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Utah (Ter). Laws, statutes, etc.
Laws of the territory of Utah.

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Utah (Gen.) Laws, 1882, etc.

LAWS

OF THE

TERRITORY OF UTAH,

PASSED AT THE

Twenty-fifth Session of the Legislative Assembly,

HELD AT THE CITY OF SALT LAKE, THE CAPITAL OF SAID TERRITORY,
COMMENCING JANUARY 9, A.D. 1882, AND ENDING
MARCH 9, A.D. 1882.

PUBLISHED BY AUTHORITY.

SALT LAKE CITY:

DESERET NEWS COMPANY, PRINTERS AND PUBLISHERS.

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CERTIFICATE OF AUTHENTICATION.

TERRITORY OF UTAH, }
SECRETARY'S OFFICE. } ss.

I, ARTHUR L. THOMAS, Secretary of the Territory of Utah, do hereby certify that the printed laws, memorials and joint resolutions contained in this volume are true, correct, and full copies of all the enrolled laws, memorials, and joint resolutions passed at the twenty-fifth regular session of the Legislative Assembly of said Territory, begun and held at the city of Salt Lake, the capital of said Territory, on the 9th day of January, A.D. 1882, and ending on the 9th day of March, A. D. 1882, with the exception of corrections in orthography and punctuation.

I also certify that said laws have been printed and published in the order of their approval by the Governor of the Territory.

In Testimony Whereof, I have hereunto set my hand and affixed the great seal of said Territory. Done
[L.S.] at the city of Salt Lake, the capital of said Territory of Utah, this 18th day of March, A.D. 1882.

ARTHUR L. THOMAS,
Secretary.

FEDERAL OFFICERS OF UTAH TERRITORY.

GOVERNOR:

ELI. H. MURRAY.

SECRETARY:

ARTHUR L. THOMAS.

JUDGES OF THE SUPREME COURT:

Chief Justice:

JOHN A. HUNTER, THIRD DISTRICT.

Associate Justices:

PHILIP H. EMERSON, FIRST DISTRICT.

STEPHEN P. TWISS, SECOND DISTRICT.

UNITED STATES MARSHAL:

E. A. IRELAND.

UNITED STATES ATTORNEY:

PHILIP T. VAN ZILE.

SURVEYOR GENERAL:

FREDERICK SALOMON.

RECEIVER OF PUBLIC MONEYS:

MOSES M. BANE.

REGISTER OF THE LAND OFFICE:

H. McMASTER.

UNITED STATES REVENUE COLLECTOR:

O, J. HOLLISTER,

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LAWS
OF THE
TERRITORY OF UTAH,
PASSED AT THE
TWENTY-FIFTH SESSION OF THE LEGISLATIVE ASSEMBLY.
1882.

CHAPTER I.

CHANGE OF NAME.

AN ACT to Change the Name of Neils Mortensen to Neils Morten Peterson.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the name of Neils Mortensen, of Sevier County, be changed to Neils Morten Peterson, and that all legal rights and obligations existing in the name of Neils Mortensen be continued in the name of Neils Morten Peterson.

Approved Jan. 20, 1880.

CHAPTER II.

CHANGE OF NAME.

AN ACT to Change the name of Henry Newsham to Henry Thornley.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the name of Henry Newsham, of Davis County, is hereby changed to Henry Thornley, and that any and all legal rights and obligations existing in the name of Henry Newsham are hereby continued to Henry Thornley.

Approved Jan. 20, 1882.

CHAPTER III.

OF SALT LAKE CITY CHARTER.

AN ACT Amending the Charter of Salt Lake City.

Amending
charter of Salt
Lake City,
granting power
to tax, sale,
etc., of liquors.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the City Council of Salt Lake City is hereby empowered by ordinance and enforcement thereof, to license, tax and regulate the manufacturing, selling, giving away or in other manner disposing of spirituous, vinous or malt liquors, and the persons who engage therein; to restrain, prohibit and punish the manufacturing, selling, giving away, or in any other manner disposing of spirituous,

vinous or malt liquors, without a license therefor, or contrary to the terms of a license granted to exercise said powers, conjointly or separately; to prohibit the selling, giving away, or in any manner disposing of spirituous, vinous or malt liquors upon Sundays, public holidays and election days; to adopt and employ proper and convenient means for carrying the same into effect; to have the power to require the payment in advance, into the city treasury, for purposes of revenue for each and every license granted for the manufacturing, selling, or otherwise disposing of such liquors, a sum not exceeding at the rate of twelve hundred dollars per annum.

Approved Jan. 20, 1882.

CHAPTER IV.

CHANGE OF NAME.

AN ACT to Change the name of James Mallows to James Dennis.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the name of James Mallows, of Salt Lake County, be changed to James Dennis; *Provided,* Such change of name shall not affect any past or present interest in law or equity.

Approved Jan. 24, 1882.

CHAPTER V.

CHANGE OF NAME.

AN ACT To Change the name of Peter Peterson to Peter H. Hansen.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the name of Peter Peterson, of Mayfield, Sanpete County, Utah Territory, is hereby changed to Peter H. Hansen; *Provided*, Such change of name shall not affect any past or pending interest in law or equity.

Approved Feb. 9, 1882.

CHAPTER VI.

OF COMPILED LAWS.

AN ACT to Amend Section Seventeen Hundred and Fifty of the Compiled Laws of Utah.

Amending
Sec. 1750 Com-
piled Laws.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section seventeen hundred and fifty of the Compiled Laws of Utah be and the same is hereby amended by striking out all after the word "and," in the fourth line to the word "the," in the seventh line of said section, and substituting the following therefor, viz.: "All of Chapter II of said title."

Approved Feb. 22, 1882.

CHAPTER VII.

OF JUSTICES OF THE PEACE, MAYOR AND ALDERMEN.

AN ACT Providing for the Appointment of Justices of the Peace in Case of Vacancies.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That whenever, from any cause, there shall be a vacancy in the office of justice of the peace in any precinct in this Territory, the County Court of the county wherein such precinct is situated is hereby authorized and empowered to fill such vacancy by appointment until the next general election.

Appointment
of Justices of
the Peace.

SEC. 2. That in case of a vacancy in the office of mayor, alderman or any city justice of any incorporated city in this Territory, the City Council of such city is hereby authorized and empowered to fill such vacancy by appointment until the next general municipal election.

Appointment
of Municipal
officers.

SEC. 3. All laws and parts of laws conflicting with this Act are hereby repealed.

CHAPTER VIII.

OF LEHI CITY CHARTER.

AN ACT to Amend the Charter of the City of Lehi, in Utah County.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all section one after the enacting clause, of An Act to incorporate the city of Lehi, approved February 5th, 1852, is hereby repealed, and the following substituted therefor, to wit: "Section 1.— That all that portion of Utah County bounded as follows, viz.: commencing at the head of Jordan River; thence easterly along the northern shore of Utah Lake to the mouth of Spring Creek: thence up said Spring Creek to the south line of Section 16, Township 5, south of Range 1 east, Salt Lake meridian; thence east along the south line of said Section 16 to the southeast corner thereof; thence north to the northeast corner of the southeast quarter of Section 33, T. 4, S. of R. 1 E; thence west to the Jordan River; thence up said river on the east side to the point of beginning, is hereby incorporated into a city, which shall be called Lehi City, and the inhabitants thereof are hereby constituted a body corporate and politic by the name and style aforesaid and shall have perpetual succession and may have and use a common seal, which they may change or alter at pleasure."

SEC. 2. So much of An Act to incorporate American Fork City, Utah County, approved June 4, 1853, as conflicts with this Act is hereby repealed.

Approved Feb. 23, 1882.

CHAPTER IX.

OF TOOELE CITY CHARTER.

AN ACT Changing the Boundaries of Tooele City, in Tooele County.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the first section of An Act to incorporate Tooele City, in Tooele County, is hereby amended to read after the enacting clause as follows: That all that portion of country situated within the following boundaries, to wit: Beginning at the north-east corner of Section twenty-two, in Township Three, South of Range Four West, Salt Lake meridian, thence west three miles, thence south three miles, thence east three miles, thence north three miles to place of beginning, shall be known and designated by the name of Tooele City; and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. All of the first section of "An Act to incorporate Tooele City, in Tooele County," approved January 13, 1853, after the enacting clause, and an Act entitled "An Act changing the boundaries of Tooele City in Tooele County," approved January 11, 1865, are hereby repealed.

Approved Feb. 23, 1882.

CHAPTER X.

OF SPANISH FORK CITY CHARTER.

AN ACT to amend the Charter of Spanish Fork City, in Utah County.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That an Act entitled "An Act to incorporate Spanish Fork City," approved January 19, 1855, is hereby amended as follows, to wit: By striking out all that portion of Section one of said Act, after the words "to-wit," in the third line, to and including the word "mountains," in the fourteenth line, and substituting therefor the following: "Beginning at the centre of Section 29, Township 8, South of Range Three East, Salt Lake meridian; thence west three miles, thence north three miles, thence east three miles, thence south three miles."

SEC. 2. That section three of said Act is hereby amended by adding thereto the following, to wit: "And the mayor, when present, shall preside at all meetings of the City Council, and shall have the casting vote, and in the absence of the mayor, any alderman present may be appointed to preside at said meeting."

SEC. 3. Section seven of said Act is hereby repealed and the following substituted therefor, to wit: "The City Council shall have power within the city, by ordinance and enforcement thereof, to annually levy and collect taxes on the assessed value of all the property made taxable by the laws of the Territory of Utah, for the following named purposes, to wit: Not to exceed five mills on the dollar, for general expenses of the city, and not to exceed five mills on the dollar, to open, improve and keep in repair the streets of the city."

SEC. 4. The City Council shall have power,

City Council
may assess
taxes.

when by them deemed necessary, to create additional wards within the city and increase the number of councilors to five, and apportion them among the several wards as may be just and most conducive to the welfare of said city.

City Council may create new wards.

SEC. 5. That section eleven of said Act is hereby repealed, and the following substituted therefor, to wit: "Section 11.—The City Council shall have power to borrow money on the credit of the city for city purposes; *Provided*, That the interest on the aggregate of all the liabilities of the city shall not exceed one-fourth of the revenue arising from taxation the previous year."

Power to borrow money.

Approved Feb. 23, 1882.

CHAPTER XI.

CHANGE OF NAMES.

AN ACT changing the Surname of William G. Stonehouse and others.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the surname of William G. Stonehouse, William S. Stonehouse, Henry J. Stonehouse, Samuel S. Stonehouse, Joseph P. Stonehouse, and Edgar D. Stonehouse, is hereby changed to Stone, and that any and all legal rights and obligations existing in the respective names of William G. Stonehouse, William S. Stonehouse, Henry J. Stonehouse, Samuel S. Stonehouse, Joseph P. Stonehouse and Edgar D. Stonehouse, are hereby continued to William G. Stone, William S. Stone, Henry J. Stone, Samuel S. Stone, Joseph P. Stone and Edgar D. Stone.

Approved Feb. 23, 1882.

CHAPTER XII.

OF AMERICAN FORK CITY CHARTER.

AN ACT to change the boundaries of American Fork City, in Utah County.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that part of section 1 of an Act entitled "An Act to incorporate American Fork City, Utah County," approved June 4, 1853, after the word "beginning," in the third line of said section, to and including the words "thence north," tenth line, is hereby repealed, and the following substituted therefor, to wit: At the shore of Utah Lake, sixty rods east from the west line of Township 5, south of Range 2 East, Salt Lake meridian; thence north to the south side of Section 7, Township 5, south of Range 2 east, thence west sixty rods, thence north along said township line to the north boundary of said township, thence west along the north boundary line of Township 5, south of Range 1 east to the east side of Section 4, thence south to Utah Lake, thence easterly along the shore of said lake.

SEC. 2. So much of an Act entitled "An Act to incorporate Pleasant Grove City," approved January 19, 1855, as conflicts herewith is hereby repealed.

Approved Feb. 23, 1882.

CHAPTER XIII.

OF FENCING LOTS, ETC.

AN ACT Providing for Fencing Lots, Orchards and Gathered Crops.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*

That owners of orchards, stackyards, gathered crops, and town or city lots, are hereby required to enclose them with a lawful fence and keep the same in repair. Non-compliance herewith shall work a forfeiture of the right of such owner to assess damages or impound any stock trespassing or doing damage on such premises; *Provided*, That this Act shall in nowise affect existing laws concerning joint inclosures and division fences, nor interfere with the enforcement of any city ordinance prohibiting animals from running at large within such city.

Orchards,
Stackyards,
lots, etc., to
be fenced.

Penalty.

SEC. 2. "An Act to provide for Fencing Lots, Orchards and Stackyards in Cities, Towns and Villages," approved February 20, 1880, is hereby repealed.

Approved Feb. 25, 1882.

CHAPTER XIV.

OF GRANTSVILLE CITY CHARTER.

AN ACT amending the Charter of Grantsville City.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section thirteen of "An Act to incorporate the city of Grantsville," approved January 12th, 1867, is hereby amended by inserting after the word "city," in the sixth line, the following words, to wit: "The justice of the peace shall have jurisdiction in all cases arising under the ordinance of the corporation."

Approved Feb. 25, 1882.

CHAPTER XV.

OF COMPILED LAWS.

AN ACT to amend Section 1444 of the Compiled Laws of Utah.

Amending
Sec. 1444 Com-
piled Laws.

Amount of
exemption in
certain cases

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the seventh subdivision of section one thousand and four hundred and forty-four of the Compiled Laws of Utah be and the same is hereby amended so that the last clause of the said subdivision will read as follows: "The earnings of such debtor for his personal services, or those of his family, at any time within sixty days next preceding the levy, to an amount not exceeding one hundred dollars, are also exempt from execution."

Approved Feb. 28, 1882.

CHAPTER XVI.

OF COMPILED LAWS.

AN ACT amending An Act amendatory of and supplemental to Chapter IV, Title XI, Compiled Laws of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That sections seventeen and eighteen of an Act entitled "An Act amendatory of and supplemental to Chapter IV, Title XI, Compiled Laws of Utah," approved Feb. 19, 1880, shall not be construed as requiring companies incorporated for irrigating purposes, to publish in any newspaper the notices, or either of them, therein mentioned; but that personal service of said notice, or notice in writing sent by mail, postpaid, addressed to each stockholder at his place of residence, and by posting copies of said notices in three public places in each precinct through which the main canals or ditches of such companies are constructed, shall in all cases be deemed sufficient.

Irrigating
companies
may serve
notices how

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 1, 1882.

CHAPTER XVII.

CHANGE OF NAME.

AN ACT changing the Names of Lauritz Christiansen and Sons.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the surnames of Lauritz Christiansen and his sons, viz.: Jens C. Larsen, Jens Peter Larsen, Hans Larsen and George Larsen, all of Sanpete County, Utah Territory, are hereby changed to Breinholt, and that all and any legal rights and obligations existing in the names of Lauritz Christiansen, Jens C. Larsen, Jens Peter Larsen, Hans Larsen and George Larsen are hereby continued in the names and to Lauritz Christiansen Breinholt, Jens C. Larsen Breinholt, Jens Peter Larsen Breinholt, Hans Larsen Breinholt and George Larsen Breinholt.

Approved March 3, 1882.

CHAPTER XVIII.

OF RAILROADS.

AN ACT authorizing the Consolidation of Railroad Companies, and the Leasing of Railroads.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That it shall be lawful for railroad companies organized under the laws of this Territory to con-

Railroad
Companies
may consoli-
date.

solidate their capital stock, debts, property, assets and franchises, with any railroad company or companies organized under the laws of any State or other Territory.

SEC. 2. Said consolidation shall be made under the conditions, provisions, restrictions, and with the powers hereinafter in this act mentioned, that is to say: The presidents or secretaries of the several corporations proposing to consolidate, may enter into a joint agreement under the corporate seal of each company, for the consolidation of said several companies, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence, the number of shares of the capital stock, the principal place of business of the new company in each State or Territory traversed by the line of railway, and such other provisions as may be required by law, to be inserted in an original certificate of incorporation, the manner of converting the capital stock of each of said companies into that of the new corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies; said agreement shall be authorized or ratified by the board of directors of each company consolidating, and shall be submitted to the stockholders of each of the said companies or corporations, at a meeting thereof called for the purpose of taking the same into consideration; due notice of the time and place of holding such meeting, and the object thereof, shall be given, by written or printed notices addressed to each of the persons in whose names the capital stock of said companies stands on the books thereof, and delivered to such persons respectively, or sent to them by mail when their post office address is known to the company, and also by a general notice published in some newspaper in the city, town or county where such company has its principal office or place of business, for the period of thirty days before such meeting is to be held; and at the said meeting of

Manner of
Consolidation

When consolidation is completed.

Consolidation may be ratified in accordance with laws of other States, etc.

After Consolidation to be known as one corporation.

All rights, franchise, property, etc., vested in new corporations.

stockholders the said agreement shall be considered, and a vote by ballot taken, for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and said ballots shall be cast in person or by proxy; and if two-thirds of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretary of the respective companies under the seal thereof; and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the Auditor of Public Accounts, and in the office of the Secretary of this Territory, and shall from thence be deemed and taken to be the agreement and act of consolidation of the said companies; and a copy of said agreement and act of consolidation, duly certified by said Auditor, or by the Secretary of the Territory, under his official seal, shall be evidence of the existence of said new corporation; *Provided*, That if the mode of ratifying said agreement of consolidation in such other State or Territory shall vary from the mode herein prescribed, then said agreement may be ratified by the railroad company or corporation of such other State or Territory in the mode prescribed by the laws thereof.

SEC. 3. Upon the making and perfecting the said agreement and act of consolidation, as provided in the preceding sections, and filing the same as aforesaid, the several corporations, parties thereto, shall be deemed and taken to be one corporation, by the name provided in said agreement and act, possessing within this Territory all the rights, privileges and franchises, and subject to all the restrictions, disabilities, duties and liabilities of each of such corporations so consolidated.

SEC. 4. Upon the consummation of said consolidation as aforesaid, all and singular the rights, privileges and franchises of each of said corporations, parties to the same, and all the property, real, personal and mixed, and all debts due on whatever account, as well as of stock, subscriptions and other things in action belonging to each of such corporations shall be taken and be deemed to be transferred to, and vested in such new corporation without further act or deed; and all

property, all rights of way, and all and every other interest shall be as effectually the property of the new corporation as they were of the former corporations, parties to said agreement; and the title to real estate, either by deed or otherwise, under the laws of this Territory, vested in either of such corporations, shall not be deemed to revert, or be in any way impaired by reason of this act; and all debts, liabilities, and duties of either of said companies shall thenceforth attach to said new corporation, and be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

SEC. 5. Such new company shall establish an office at some point in this Territory on the line of its road; and may change the same at pleasure, giving public notice thereof in some newspaper published and having general circulation in the Territory.

Offices may be established.

SEC. 6. Suits may be brought and maintained against such new company in any of the courts of this Territory, for all causes of action, in the same manner as against other railroad companies organized under the laws of this Territory.

Suits may be brought and maintained against.

SEC. 7. That portion of the road of such consolidated company, and all its real estate and other property within this Territory shall be subject to like taxation, and assessed in the same manner as property of other railroad companies within this Territory.

Road subject to taxation.

SEC. 8. Any railroad company organized under the laws of this Territory, may lease and operate any part, or all of a railroad constructed by another company, within or without this Territory; and any railroad company organized under the laws of the United States or any State or Territory may lease and operate any part or all of a railroad constructed by another company within this Territory. Such leases may be made on such terms and conditions as may be mutually agreed upon between said companies.

May lease other roads etc.

Approved March 4, 1882.

CHAPTER XIX.

OF COMPILED LAWS.

AN ACT amending Section 504, Compiled Laws of Utah.

When
Railroads
shall not con-
solidate.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 504 of the Compiled Laws of Utah is hereby amended by adding thereto the following: *Provided*, That no railroad company doing business in this Territory shall consolidate its stock, property or franchises with' any other railroad company owning a parallel or competing line, nor to lease the property of any such other railroad company in this Territory.

Approved March 6, 1882.

CHAPTER XX.

OF PAYSON CITY CHARTER.

AN ACT changing the Boundary Lines of Payson.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section 1 of An Act to incorporate the City of Payson, approved January 20, 1865, is hereby amended by striking out after the words "commencing at," in the third line, all up to and including the word "Lake" in the tenth line of said section, and the following substituted therefor, to

wit: The northwest corner of Township 9, south of Range 2 east, Salt Lake meridian, in Utah County, thence east three miles, thence south two and three-fourth miles, thence west three miles, thence north two and three-fourth miles, and that said section one be further amended in the eleventh line, by inserting after the word "Payson" the word City.

SEC. 2. All laws or parts of laws conflicting herewith are hereby repealed.

Approved March 6, 1882.

CHAPTER XXI.

OF COMPILED LAWS.

AN ACT to amend Sections 839, 944 and 960 of the Compiled Laws of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*

That section eight hundred and thirty-nine of the Compiled Laws of Utah is hereby amended by striking out the second line of said section the words "pursuant to an order from the Probate Court."

Amending
Section 839
Compiled
Laws.

SEC. 2. Section nine hundred and forty-four of said Compiled Laws of Utah is hereby amended by adding thereto the following, to wit: *Provided*, That no final account of any administrator or executor shall be allowed or decree of distribution made, until at least ten days' public notice shall have been given by publication or posting, as the probate judge shall direct, stating that the same is applied for.

Amending
Section 944
Compiled
Laws.

Amending
Section 960
Compiled
Laws.

SEC. 3. Section nine hundred and sixty of said Compiled Laws is hereby amended by adding thereto the following: "and such decree may be enforced as is provided in section two hundred and nineteen of this act."

Approved March 7, 1882.

CHAPTER XXII.

CHANGE OF NAME.

AN ACT to Change the Name of Lars P. Christensen.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the name of Lars P. Christensen, of Richfield, Sevier County, be changed to Lars P. Petersen, and that all legal rights in law or equity now existing in the name of Lars P. Christensen are hereby continued to Lars P. Petersen.

Approved March 8, 1882.

CHAPTER XXIII.

OF PURCHASING AND CANCELLING WARRANTS.

AN ACT to provide for the Cancelling of Warrants, and forbidding Treasurers and Collectors from Purchasing Warrants or Orders at a Discount.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That no territorial, county, city, or district treasurer, or collector of taxes, shall either directly or indirectly contract for or purchase any warrant or order issued by the Territory, county, city or district of which he is treasurer or collector, at any discount whatever upon the sum due on such warrant or order, and if any territorial, county, city, or district treasurer or collector of taxes shall so contract for or purchase any such order or warrant, he shall not be allowed in settlement the amount of said order, or warrant, or any part thereof, and shall also forfeit the whole amount due on such order or warrant, to be recovered by civil action.

Public officers shall not purchase warrants, etc.

Penalty.

SEC. 2. It is hereby made the duty of each county treasurer to procure, at the expense of the county, a proper cancelling stamp, and imprint the same on all county warrants redeemed by him, and deposit said warrants in his office.

County Treasurer to cancel warrants.

Approved March 8, 1882.

CHAPTER XXIV.

CHANGE OF NAME.

AN ACT to Change the Name of Thomas Edmund Genge to Thomas Edmund Gange.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the name of Thomas Edmund Genge, of Salt Lake City, be changed to Thomas Edmund Gange, and that all legal rights, privileges and obligations existing in the name of the said Thomas Edmund Genge be hereby continued to Thomas Edmund Gange.

Approved March 8, 1882.

CHAPTER XXV.

OF COMPILED LAWS.

AN ACT to amend Section 181, Compiled Laws of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section one hundred and eighty-one is hereby amended by striking out all of said section after the word "roods," in the fourth line, and substituting in lieu thereof, the following: "At the session of the County Court, on the first Monday in June, annually, the said court shall call for and receive, the county treasurer's report, as pro-

Amending
Section 181
Compiled
Laws.

vided in section 213 of the Compiled Laws of Utah, of the condition of the treasury on the 31st day of May, next preceding, and shall settle with said treasurer."

Approved March 8, 1882.

CHAPTER XXVI.

OF QUARANTINE.

AN ACT in relation to Quarantine.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*

That all that portion of territory embraced within the limits of each county, is hereby declared subject to quarantine regulations. Quarantine Territory.

SEC. 2. The County Court of each county shall appoint one quarantine physician, who, before entering upon the duties of his office, shall take and subscribe to an oath of office, and give a bond to the County in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties; said bond shall be approved by the probate judge, and filed with the clerk of the County Court.

Physician to be appointed, duties, etc.

SEC. 3. Said physician, associated with the County Court of their respective counties, shall constitute a board of quarantine, who shall locate quarantine grounds, and make and enforce such quarantine regulations, within the limits of their respective counties, as they may deem necessary.

Board of Quarantine, duties, etc.

SEC. 4. Any person or persons found within said quarantine limits, in an unhealthy condition, from any contagious disease, if in the judgment of the board the safety of the persons so infected or the public good shall render such action necessary, said board may require the removal of such person to any place within the limits of the county

When necessary, to remove persons.

as they may provide; and if any such person shall neglect or refuse to comply therewith, it shall be the duty of said board to have such person removed at his expense, and to thoroughly disinfect such premises and enforce such other quarantine regulations as they may deem necessary.

When infected persons may remain at home.

SEC. 5. If in the judgment of the board it shall be deemed advisable for the person so infected to remain in his usual place of abode for care and treatment, they shall compel the strict quarantine of said place of abode, by causing to be kept displayed in a conspicuous place upon such premises, a yellow flag, during the period of danger; and to prevent as far as possible all ingress and egress to and from such premises, until the most thorough measures for disinfecting such premises shall have been taken and all danger from infection shall have ceased.

Physicians to make report.

SEC. 6. All physicians or other persons having any knowledge of the existence of any contagious disease, or having reason to believe any such disease exists, are hereby required to report the same forthwith to said board.

Duties of Physicians and Nurses.

SEC. 7. All physicians or nurses, or other persons having been exposed to any contagious disease, are hereby forbidden to mingle with, or in the presence of others subject to the contagion, in the clothing worn by them while so exposed, unless the same has been thoroughly disinfected, or to otherwise expose any person to such contagion.

Penalty.

SEC. 8. Any person who shall wilfully or knowingly introduce any contagious disease into any settlement, or who neglects or refuses to comply with any of the provisions of this act, shall be liable for each offence, to a fine in any sum less than one hundred dollars, or be imprisoned not to exceed six months, or both fine and imprisonment, at the discretion of the court.

Act not to apply when.

SEC. 9. The provisions of this act shall not apply to incorporated cities, which by their charters have authority to enforce quarantine regulations.

SEC. 10. "An Act in relation to quarantine," approved January 14, 1857, is hereby repealed.

Approved March 9, 1882.

CHAPTER XXVII.

OF INCORPORATION OF TOWNS.

AN ACT to Incorporate the Towns of Kanab, Toquerville and Rockville, in Kane County, Utah Territory.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that portion of country situate within the following boundaries, to wit: Northeast one-fourth and northwest one-fourth, and north half of southwest one-fourth, and north half of southeast one-fourth, all in section twenty-eight, south half southwest one-fourth, and south half of southeast one-fourth, Section twenty-one, Township forty-three south, Range six west, shall be known and designated by the name of the town of Kanab. All that portion of country situate within the following boundaries, to-wit: Lot one south half, northwest one-fourth, east half southwest one-fourth, northwest one-fourth, southwest one-fourth, all in Section two, Township forty-one south, Range thirteen west, shall be known and designated as the town of Toquerville. And all that portion of country situated within the following boundaries, to wit: South one-half of Section one, Township forty-two south, Range eleven west, shall be known and designated by the name of the town of Rockville, and the inhabitants of each of the aforesaid towns are hereby constituted a body politic by the names aforesaid, and each may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. There shall be a board of trustees in each of said towns, to consist of a president and four trustees, who shall have the qualifications of electors of said towns, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors

shall be elected and qualified. The board of trustees shall judge of the qualifications, election and return of their own members; and a majority of them shall form a quorum to do business at all special or general meetings, due notice of which has been given, and the president shall preside at all meetings when present, and have the casting vote. When the president is absent, one of the trustees may be appointed by the board to act in his place during his absence; and any vacancy in any of the offices in such corporation, occasioned by death, resignation, removal or otherwise, may be filled for the unexpired term of such office by a majority vote of the whole board.

SEC. 3. The president and trustees in each of the aforesaid towns, before entering upon the duties of their offices, shall be commissioned by the Governor, and shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and laws of this Territory, and that they will well and truly perform all duties of their offices to the best of their skill and ability, which oath shall be filed with the Secretary of the Territory.

SEC. 4. One president and four trustees shall be elected biennially in each of the aforesaid towns, and the first election under this act shall be at such time in such towns as the probate judge of Kane County shall direct; *Provided*, Said election shall be on or before the first Monday of August next. Said election shall be held and conducted as now provided by law for holding of elections for county and territorial officers, and at the first election all voters legally qualified shall be entitled to vote.

SEC. 5. The clerks of election, in each of the aforesaid towns, shall leave with each person elected, or at the usual place of residence, within five days after election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the clerk, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted and returns thereof

be made as may be provided for by ordinance of the board of trustees.

SEC. 6. The board of trustees, in each of the aforesaid towns, shall have the following powers, to-wit: First—To purchase, hold or convey all necessary estate, real or personal, for the use and benefit of the corporation. Second—To prevent, abate and remove nuisances, and adopt such other measures for the public health as they may deem proper. Third—To purchase, hold, own, and lay out graveyards or cemeteries, and regulate the burial of the dead. Fourth—To restrain from running at large horses, mules, cattle, sheep, goats, swine and all kinds of poultry, in such towns, under such penalties and regulations as may be prescribed by the ordinances of such towns. Fifth—To provide for the protection of shade trees, monuments, and other public property in such towns. Sixth—To license, tax and regulate the manufacturing, vending or giving away of spirituous, vinous or fermented liquors; and to license and regulate hotel or tavern keepers, eating houses and restaurants, merchants, grocers and peddlers. Seventh—To license all exhibitions of showmen, concerts, theatricals, circuses or other traveling shows, public dances or amusements, or to suppress any of the foregoing which are indecent. Eighth—To restrain and punish vagrants, prostitutes and libertines. Ninth—To appoint policemen and watchmen, and prescribe their duties, powers and qualifications. Tenth—To prohibit and suppress disorderly, lewd or gambling houses, and all devices for gambling and to suppress any drunkenness, rout, riot, noise, disturbance or disorderly assemblage. Eleventh—To levy and collect an annual tax for general corporation purposes on all such property as shall be subject to county and territorial taxes, and such tax shall, when so levied, constitute a lien on all such property, and shall be collected as county and territorial taxes are collected, so far as consistent with this act; *Provided*, All taxes for such purpose, in any one year, shall not exceed one fourth of one per cent. on the assessed valuation of the property so assessed; unless two thirds of the electors voting at a special meeting

called for that purpose shall vote a larger per cent. to be levied; but in no case shall said tax exceed, nor electors be allowed to levy more than one half of one per cent. of the assessed valuation aforesaid in one year. Twelfth—To lay out, construct, open, grade, pave and otherwise improve streets, lanes, alleys, sidewalks or crosswalks, and to prohibit the encumbering of sidewalks with any materials whatever, and riding or driving thereon, except to cross the same. Thirteenth—To lay out, construct, open and keep in repair, canals, water ditches or water pipes for irrigation, domestic or other use of the inhabitants of such towns. Fourteenth—To direct in the prosecution and defence of actions at law in which such towns may be a party, and may sue and be sued in their corporate names. Fifteenth—To fix and establish the compensation of the offices made elective or appointed by the board. Sixteenth—To prevent horse racing and inconsiderate riding or driving in the streets of such towns. Seventeenth—To prevent the running at large of dogs, by imposing a tax on the same or otherwise, or to authorize their destruction, in a summary manner, when running at large contrary to ordinance of such towns. Eighteenth—To make, ordain, pass, establish and enforce such ordinances and regulations, not repugnant to the Constitution of the United States or the laws of this Territory, for the purpose of carrying into effect the provisions of this act, as they may deem proper; and to repeal, alter or amend the same at pleasure; but no such ordinances or regulations shall take effect or be enforced until the same shall have been published ten days in some public newspaper, printed in such towns or posted in not less than three public places therein. Nineteenth—To appoint a clerk, a marshal and such other officers as may be necessary for the good order and well being of such towns; define their duties, remove them from office at pleasure, and require them to take and subscribe an oath, and give such bonds as shall be provided by ordinance, which oath and bond shall be filed with the board of trustees.

SEC. 7. The board of trustees in each of the

aforesaid towns may ordain and provide such reasonable fines, forfeitures and penalties as they shall deem proper, in any sum less than that prescribed for like crimes in the laws of the Territory, to be prosecuted before any justice of the peace in the county, in the name of the corporation, and all expenses incurred in the unsuccessful prosecution for the recovery of any fine or penalty or forfeiture, shall be paid by the corporation, and all fines, forfeitures and penalties, when collected, shall be paid to the corporation, as may be provided by ordinance; *Provided*, The justice's court shall be held always within the corporate limits; when any other than a justice residing in said town is called to try any case, he shall be required to hold court in said town.

SEC. 8. The clerk of the board of trustees in each of the aforesaid towns shall have the custody of, and safely keep the corporate seal, records, books and papers there of entrusted to him by the board, and attend all meetings of the trustees and record all their proceedings, and he shall audit all accounts allowed by such board of trustees, and perform such other duties as may be required of him.

SEC. 9. The marshal in each of the aforesaid towns shall possess the same powers, be subject to like liabilities, and exercise the same privileges as are possessed and conferred by law upon constables, to execute such legal orders as may be required of him, and to assess and collect all taxes levied by the trustees in such town, in the same manner as county and territorial taxes are collected, so far as consistent with the provisions of this act, and perform such other lawful duties as may be required by the board of trustees.

SEC. 10. This act shall be in force on and after the first day of April, A. D. 1882, and may be amended or repealed at the pleasure of the Legislative Assembly.

Approved March 9th, 1882.

CHAPTER XXVIII.

OF LIQUORS.

AN ACT Licensing and Regulating the Manufacturing and Sale of Intoxicating Liquors.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*

Sale of Liquor
without li-
cense forbid-
den.

That no person shall manufacture, sell, barter, deal out, or otherwise dispose of any spirituous, vinous, malt or other intoxicating liquors, without first obtaining from the county court of the county, or city council of the city in which he intends to do business, a license therefor, as hereinafter provided.

County Court
and City
Council may
issue Licenses

SEC. 2. The county courts in their respective counties, and the city councils in their respective cities, are hereby authorized to grant licenses, as contemplated in section 1 of this act, to any person over the age of twenty-one years, upon an application being made for such license, by petition signed by the applicants and filed with the county clerk, or city recorder, as the case may be. Said petition must state definitely the particular place at which any of the liquors named in section 1 of this act are intended to be manufactured, sold, bartered, dealt out or otherwise disposed of, whether he intends to carry on a retail or wholesale business. The applicant shall also file with said petition a bond to the county or city, as the case may be, conditioned that during the continuance of his license he will keep an orderly and well-regulated house; that he will not allow gambling with cards, dice or any other device or implements used in gambling, within his house, out-house, yard or other premises under his control; that he will pay all damages, fines and forfeitures which may be adjudged against him under any of the provisions of this act. Said

Bond to be
filed.

bond shall be in any sum not less than one hundred dollars, nor more than one thousand dollars, with two or more sureties, to be approved by said judges or mayor. Said sureties must justify on oath, before some officer authorized to administer oaths, that they are residents within the Territory, and worth the amount justified to, over and above all other debts and liabilities, exclusive of property exempt from execution. Such justifications shall be in writing, signed by the persons justifying, and certified to by the officer who administers the oath, and attached to and filed with the bond.

Amount of
Bond.

SEC. 3. The county court or city council, as the case may be, after the petition, statement and bond have been filed as required in the preceding section, shall determine the amount to be paid for the license prayed for, which shall be at the rate of not less than one hundred, nor more than twelve hundred dollars for the period of one year; but licenses for the same classes of business shall be uniform in amount in such city or county. Said court or council shall also determine the time for which the license shall be granted, but no license shall be issued for a longer period than one year, nor for a less period than three months.

Amount of
License.

Licenses to be
uniform in
amount.

Term of Li-
cense.

SEC. 4. The amount as determined by the county court or city council must be paid into the county or city treasury, as the case may be, by the applicant, who, upon receiving the treasurer's receipt, shall present the same to the clerk of the county court or the city recorder. The county clerk or city recorder shall thereupon issue to the applicant a certificate of license, which certificate must state the name of the person licensed, the place of business, the kind or kinds of liquors to be manufactured, sold, bartered or otherwise disposed of, the date of commencement and expiration of such license, whether it is for a retail or wholesale business, that the person named therein is duly authorized to carry on the business of manufacturing, selling, bartering or otherwise disposing of intoxicating liquors at the place and for the time therein specified, and that the license is not transferable. Said certificate shall be signed by the county clerk or city recorder, as the

Money to be
paid into
Treasury in
advance.

Clerk or re-
corder to issue
License.

Conditions of
License.

case may be, who shall seal the same with the seal of the county or city.

Penalty for
Selling to In-
dians, Minors,
etc.

SEC. 5. Any person licensed as herein provided, who shall knowingly give, sell or otherwise dispose of any intoxicating drink to an Indian, insane or idiotic person, or to any minor, apprentice or employe under twenty-one years of age, without the consent of the parents, guardians or employer thereof, shall be held and deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than ten nor more than one hundred dollars, and shall also be liable to pay all costs of prosecution.

Penalty for
Selling on
Sunday.

SEC. 6. Any person licensed as aforesaid, who shall sell, give away or otherwise dispose of any intoxicating drink at any time during the first day of the week, commonly called Sunday, except for medical purposes upon the prescription of a physician, shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be fined in any sum less than one hundred dollars.

Married
women and
children
may recover
damages.

SEC. 7. It shall be lawful for any married woman to institute and maintain, in her own name, a suit on any such bond for all damages sustained by herself and children, or either, on account of such traffic, and the money, when collected, shall be paid over for the use of herself and children, or either.

Bond to be
evidence.

SEC. 8. On the trial of any suit on such bond, a copy thereof, properly authenticated, shall be evidence in any court in this Territory.

When liquor
bills cannot
be sued for.

SEC. 9. No suit for liquor bills, when sold in less quantity than five gallons at one time, shall be maintained in any court in the Territory, and when it shall be made to appear that any promissory note, mortgage or other obligation on which a suit is pending was given for liquor sold in less quantity than five gallons at one sale, such suit shall be dismissed at the cost of the plaintiff, except such sales be for medical, mechanical or sacramental purposes.

SEC. 10. Any person who shall sell or otherwise dispose of, for gain, upon any pretext whatever, malt, spirituous or vinous liquors, or any intoxicating drink, without first having complied with the conditions of, and obtained a license as

set forth in this act, shall, for each offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum less than three hundred dollars, or be imprisoned, not exceeding six months, in the county or city jail, or be both fined and imprisoned, and shall be liable, in all respects, to the public and to individuals, the same as he would have been had he given bonds and obtained a license as herein provided.

Penalty for
Selling with-
out License.

SEC. 11. All suits for damages or expenses arising under any of the provisions of this act, may be commenced and maintained before any justice of the peace of the proper county or city, when the amount of the damages claimed is less than three hundred dollars, although the penalty in the bonds may exceed that amount, and the judgment shall be for the amount of damages proved; and successive suits by different persons having different causes of action, may be had upon the same bond until the aggregate amounts of all judgments rendered thereon equal the penalty thereof.

When suits
may be main-
tained before
Justices of the
Peace.

Successive
Suits may be
maintained.

SEC. 12. In all judgments or convictions of any person of a misdemeanor, under the provisions of this act, the court, in its discretion, may order that the defendant, in default of payment of the fine and cost, be imprisoned until such fines and costs are paid, said imprisonment, however, not to exceed the term of six months in all; or may order that executions issue against the defendant for such fine and cost, and should any such execution be returned unsatisfied, either wholly or in part, a suit may be maintained upon any bond that such defendant may have given in accordance with section 2 of this act.

How Penalty
may be en-
forced.

SEC. 13. No provision of this act shall be so construed as to authorize any county court or county officer to interfere with the rights granted to municipal corporations by their several charters, and the amendments thereto, to license, tax, regulate, restrain and prohibit the manufacture, selling, or in any other manner disposing of vinous, spirituous and malt liquors, within the corporate limits, or to prohibit vine growers without a license from expressing and selling on the premises where expressed, the pure juice of the

Municipal
Corporations
not interfered
with.

Vine-growers
excepted,
when.

Proviso.

grape, in quantities not less than five gallons, to one person at one time; *Provided*, That where any municipal corporation has the right in its charter to prohibit the manufacture, sale and otherwise disposing of spirituous, vinous and malt liquors, nothing in this act shall be so construed as to impair such right.

SEC. 14. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9th, 1882.

CHAPTER XXIX.

OF APPROPRIATIONS.

AN ACT defining how Appropriations shall be paid.

Defining how certain appropriations are to be paid.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That whenever an appropriation of money from the territorial treasury is made, exceeding in amount the sum of two thousand dollars, and not more than five thousand dollars, the Auditor of Public Accounts shall, if required, issue his warrants for the same in two equal half yearly instalments; when the sum appropriated is more than five thousand dollars, the Auditor of Public Accounts shall, if required, issue his warrant for the same in equal quarter-yearly instalments, but in neither of said cases shall he issue his warrants oftener nor in larger instalments than as aforesaid.

Warrants to be registered and paid in order of registry.

SEC. 2. All warrants heretofore or hereafter drawn by the Auditor of Public Accounts, on the Territorial Treasurer, shall be paid in the order of their presentation and registry, as herein provided: Whenever any such warrant shall be pre-

sented to the Territorial Treasurer for payment, and there is no money in the treasury applicable thereto, he shall endorse on said warrant, "Not paid for want of funds," with the date, and make a registry thereof in a book kept for that purpose, noting the time of such presentations for payment, and thereafter all such warrants so presented shall be paid, or the money held in reserve therefor, by the said Treasurer, in the order of their presentation and registry, and not otherwise.

Approved March 9, 1882.

CHAPTER XXX.

OF HOLIDAYS.

AN ACT designating Legal Holidays, and for other purposes.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the following named days are hereby designated and declared to be legal holidays in said Territory, to wit: the first day of January; the twenty-second day of February; the thirtieth day of May, commonly called Decoration Day; the fourth day of July; the twenty-fourth day of July, commonly called Pioneer's Day; the twenty-fifth day of December, commonly called Christmas, and all days which may be set apart by the President of the United States, or the Governor of Utah Territory, by proclamation, as days of fast or thanksgiving; *Provided*, That when any of said days shall fall on Sunday, the following Monday shall be the holiday.

Legal holidays, *Provided*, etc.

SEC. 2. In case the last day of grace upon any note, or bill, falls upon any legal holiday, or upon Sunday, then said note or bill must be presented on the secular day next preceding the

Notes and bills become due.

holiday, and in case Sunday and a legal holiday come together, then said note or bill must be presented on the day next succeeding said Sunday and said holiday.

Approved March 9, 1882.

CHAPTER XXXI.

OF TERRITORIAL SEALER OF WEIGHTS AND MEASURES.

AN ACT relating to the Duties of Territorial Sealer of Weights and Measures, and for other purposes.

Deputies to
be appointed,
term of office,
etc.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the Territorial Sealer of Weights and Measures is hereby directed to appoint for each organized county in this Territory a Deputy Sealer of Weights and Measures, whose term of office shall be four years, and until his successor is appointed and qualified, who shall give a bond, with approved sureties, in the sum of five hundred dollars, to the acceptance of the probate judge of the county.

Deputies to
procure
weights and
measures, etc.

To be gauged
biennially.

SEC. 2. It shall be the duty of each of the persons so appointed to procure, as soon as practicable after his appointment, at the expense of his county, a full set of weights and measures; which shall be according to the seal and standard of the United States, and shall have them gauged and sealed biennially by the Territorial Sealer of Weights and Measures, and the same shall be the standard in each county.

Semi-annual
inspection to
be made.

SEC. 3. It is hereby made the duty of the Territorial Sealer of Weights and Measures and his deputies to inspect semi-annually all weights and measures used by millers, coal dealers, mer-

chants or others, which shall be gauged and sealed according to said standard, in the county where such persons are doing business, and said officers are hereby authorized to demand and collect for such services the following fees: Any steelyards or beam, ground, floor, platform, counter or other scales, by which may be weighed not exceeding two hundred pounds, 25c.; any such instrument by which may be weighed over two hundred and less than six hundred pounds, 50c.; any such instrument by which may be weighed over six hundred and less than twelve hundred pounds, \$1.00; any such instrument by which may be weighed over twelve hundred pounds, \$1.50; for any yard stick or dry or liquid measure, 10c.; any nests or set of measures, 25c. The weights attached to any scale, so far as relates to the compensation of the sealer of weights and measures, shall be considered part of the scale.

Amount of fees.

SEC. 4. Any person dealing in any article of produce or merchandise, who shall himself, or by his agent or employe, use any weight or measure other than of the standard herein specified, or who shall himself, or by his agent or employe, give short weight or measure, or less than the full quantity of any article sold, shall be liable for each offense to a fine in any sum less than three hundred dollars and to all damages accruing from such offense to the party injured.

Penalty for using other than standard measures, short weight, etc.

SEC. 5. The provision of the first section of this act, requiring the appointment of deputies by the Territorial Sealer of Weights and Measures, shall not apply to the county of which he may be a resident, unless he may so elect.

When deputy may not be appointed.

SEC. 6. All acts and parts of acts, in conflict herewith, are hereby repealed.

Approved March 9, 1882.

CHAPTER XXXII.

OF REVENUE LAW.

AN ACT to amend Section 5, Chapter XXI, Laws of Utah, 1880
and Section 19, Chapter VIII, Laws of Utah, 1878,
of Revenue.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 5, Chapter XXI, Laws of Utah, 1880, is hereby amended by adding thereto the following: The clerk of the county court shall attach to the duplicate corrected tax roll, to be delivered to the collector, a warrant, under his hand and the seal of the county court, in the following form:

County Clerk
to furnish col-
lector with
warrant.

Territory of Utah, }
County of..... }

To the collector of.....County, greeting:

Form of
warrant.

You are hereby commanded by the people of the Territory of Utah, to collect from each and every person, firm, corporation, or association, named in the tax roll hereunto annexed, the amount of taxes therein set forth opposite their names respectively, being three mills on the dollar for territorial taxes, three mills on the dollar for school taxes, and....mills on the dollar for county taxes, for the year....on the total amount of property set opposite their names respectively, carried out in separate money columns, and if any person, firm, corporation or association named in said duplicate tax roll, shall neglect or refuse to pay said taxes after receiving due notice of the amounts due, and when and where payable, you are commanded to proceed against any such delinquents after the thirty-first day of October, as provided by law. And you are further commanded to pay the amounts which, according to the warrant and the annexed tax roll,

you are required to collect in the manner and within the time prescribed by law for the payment thereof. In testimony whereof, I..... clerk of the county court in and for..... county aforesaid, have hereunto set my hand and affixed the seal of said court this.....day of....,county clerk.

SEC. 2. Section 19, Chapter VIII, Laws of Utah, 1878, is hereby amended by striking out the words "abstract roll," in the first line, and substituting in lieu thereof, these words, "duplicate roll with warrant attached." Section 19,
Chapter VIII,
Laws 1878,
amended.

Approved March 9, 1882,

CHAPTER XXXIII.

OF FISH AND GAME.

AN ACT for the Preservation of Fish and Game.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That every person who, between the fifteenth day of March and the fifteenth day of August in each year, wilfully takes, kills, destroys, or offers for sale, quail, partridges or grouse, or who, between the fifteenth day of April and the fifteenth day of August, in each year, wilfully takes, kills, destroys, or offers for sale, any kind of wild duck or who robs the nests of any such birds, or who kills any beaver or otter, between the first day of April and the first day of November, in each year, or who sells or offers for sale the skins of said animals, that have been killed within the above prohibited time, or who shall kill any imported quail or other imported birds, or their progeny, for five years next ensuing the passage of this act, shall be deemed guilty of a misdemeanor.

Penalty for taking, killing, etc., quail duck, beaver, etc., when.

Penalty for
taking, killing,
elk, deer,
etc., when.

SEC. 2.—Every person who, between the first day of December and the first day of August following, takes, kills, or destroys any elk, deer, mountain sheep, or antelope, or who shall, at any time take, kill or destroy any elk, deer, mountain sheep or antelope, for their skins, is guilty of a misdemeanor.

Penalty for
buying, selling
game, etc.,
when.

SEC. 3.—Every person who buys, sells, or has in his possession any of the game enumerated in the two preceding sections, within the time the taking or killing thereof is prohibited, except such as are tamed or kept for show or curiosity, is guilty of a misdemeanor.

Penalty for
taking fish
with seine,
when.

SEC. 4.—Every person who at any time takes or catches any fish, except with a hook and line, and with seine, except as provided for in the following section, shall be deemed guilty of a misdemeanor.

Penalty for
taking, etc.,
fish with
seines, nets,
etc.
Proviso.

SEC. 5.—Every person who takes, catches, or kills fish by the use of seines, gill or dip nets, baskets, traps, set-lines or any device whatever, except as provided in this act, shall be deemed guilty of a misdemeanor; *Provided*, That seines not more than two hundred yards long and twelve feet wide, with meshes not less than two inches square, for fifty yards in the centre, and meshes not less than two and one-half inches square in the wings or ends thereof may, be used in Green River, Bear, and Utah Lakes only, between the first day of September and the fifteenth day of March following, and that the use of minnow nets shall not be considered within the meaning of this section.

Penalty for
placing poison or explosives in water.

SEC. 6. Every person who puts into the waters of this Territory any poisonous or explosive substance, or anything that is injurious to fish, or that renders the waters unfit for household purposes, is guilty of a misdemeanor.

Indians exempt from provisions of act.

SEC. 7. Indians taking fish or game for their own subsistence, are exempted from the penalties prescribed in this chapter.

Penalty for
taking certain
fish from
water, when.

SEC. 8. Every person who, at any time within the next four years, shall take from any of the waters of this Territory any shad, salmon, black bass, white fish, silver eel, or any other fish which has been or may be imported, or their progeny,

or any oysters from any private oyster bed, without the consent of the owner, is guilty of a misdemeanor, and shall be fined in any sum not exceeding four dollars for each fish or oyster so taken.

SEC. 9. Every person who shall construct or continue to keep any dam across any of the streams of the waters of this Territory in which fish migrate, in such a manner as to hinder or obstruct the migration of fish to or from their spawning grounds, without providing a fishway and keeping it in repair as provided in the following section, is guilty of a misdemeanor.

Persons constructing dams must provide fishways, when.

Penalty.

SEC. 10. The fishway for the passage of fish in large streams of water, in the dam mentioned in the preceding section, must be made of plank, or other material equivalent thereto, in the form of a box, open at each end, not less than four feet wide, three feet high, and it must be fastened at the top of the dam, and the other end must extend to, and be fastened in the pool below the dam at an angle not exceeding thirty-five degrees. Inside this box, fastened at the bottom and at one end, to the side of the box, there must be pieces of plank, four feet apart, placed transversely so as to cause a riffle not less than ten inches high. These pieces of plank must be thirty inches long, and so fastened as to be at right angles with the sides of the box, alternately fastened, one at one side, the other at the other side of the box. Whenever the stream is small, the county court of the county in which the dam is, or is to be constructed, may permit the box to be made of less dimensions, the court taking good care to have suitable passage.

Fishway, how constructed.

SEC. 11. The county courts of the respective counties of this Territory shall, at the December term in each year appoint a fish and game commissioner, whose term of office shall be for one year and whose duty it shall be to see to the enforcement of the laws for the protection of fish and game, and one-half of all fines collected for the violation of said laws shall be paid to the informant, the other half shall be paid into the county treasury; and the said commissioner shall make an annual report to the county court, on

Fish and Game Commissioner to be appointed.

Must see to enforcement of laws.

Must make annual report

or before the thirty-first day of December of each year.

Persons taking water must place grating at head of canal or ditch.

SEC. 12. That any person, corporation or association, who has taken or may hereafter take out the waters of any stream or lake, in this Territory, that contains fish, shall be required to place across the head of such canal or ditch a grating of horizontal bars not more than one inch apart, sufficiently secured on the sides, top and bottom to prevent fish from escaping into said canal or ditch around said grating.

Approved March 9, 1882.

CHAPTER XXXIV.

OF LAWS OF 1880 AND 1878.

AN ACT to amend Sections 5 and 8, Chapter XXI, Laws of Utah, 1880, and Sections 25 and 27, Chapter VIII,

Sec. 1, Laws of Utah, 1878.

Sec. 5, Chapter 21, Laws 1880, amended.

Proviso, etc.

Taxes may be remitted.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section 5, Chapter XXI, Laws of Utah, 1880, is hereby amended by striking out after the word "him," in the fourteenth line, and before the word "and," in the fifteenth line, the following words: "and where and when payable;" and that said section be further amended by inserting after the word "year," and before the word "during," in the thirty-first line, the following words: "*Provided*, That when the tax due from any such person exceeds five dollars, a further abatement or remission may be made to an amount not exceeding one half of the balance of the tax remaining due; *Provided further*, That the total amount remitted shall not exceed ten dollars."

SEC. 2. That section 8 of said chapter is hereby amended in the fourth line by striking out the word "treasurer," and inserting the word "collector" in lieu thereof; also that all the said section, after the word "county court," in the ninth line, is hereby repealed. Sec. 8 amended.

SEC. 3. That section 25 of Chapter VIII, Laws of 1878, is hereby amended by inserting in the seventh line, between the words "all" and "funds," the word "county." Sec. 25, Chap. 8, Laws 1878, amended.

SEC. 4. That section 27, Chapter VIII, Laws of 1878, is hereby amended by striking out of said section, wherever the same may occur, the words "county treasurer," and inserting in lieu thereof the words "county collector." Section 27 amended.

Approved March 9, 1882.

CHAPTER XXXV.

OF MANTI CITY CHARTER.

AN ACT to amend an Ordinance to Incorporate the City of Manti,

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section 1 of An Ordinance to incorporate the city of Manti, approved February 6, 1851, is hereby amended by striking out of said section all that portion thereof after the words "to wit," in the third line of said section, to and including the word "Manti," in the fifteenth line of said section, and substituting in lieu thereof the following: "Commencing at the corner of section twenty-nine, thirty, thirty-one and thirty-two of Township seventeen, south of Range three east, Salt Lake meridian, thence south on section line four miles, thence west on section line four miles to

the east bank of the Sanpitch River, thence northerly along the east bank of said river to a point directly west from the place of beginning, thence east along the section line to the place of beginning, shall be known and designated under the name and style of Manti City."

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1882.

CHAPTER XXXVI.

OF SUGAR.

AN ACT to encourage the Manufacture of Sugar in the Territory of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*

\$5000 appropriated.

That the sum of five thousand dollars is hereby appropriated out of the territorial treasury, to be drawn upon warrants of the Auditor of Public Accounts, who shall issue said warrants upon the order of John Clark, George E. Bourne and Samuel P. Teasdel, of Salt Lake City, Utah, who shall accompany their order with a duly signed certificate, setting forth that the party or parties in whose favor said order shall be drawn, have fully complied with the provisions of this act.

How paid.

Awarding Committee appointed.

SEC. 2. The said John Clark, George E. Bourne and Samuel P. Teasdel are hereby appointed and constituted an awarding committee, to determine who shall be entitled to receive the above mentioned five thousand dollars, which is hereby given as a premium, to be paid to the party or parties who shall, on or before the thirty-first day of December, 1882, place in Salt Lake City, Utah, subject to the inspection of said com-

Premium for manufacturing Sugar.

mittee, in suitable and convenient packages, of one hundred pounds each, seven thousand pounds of merchantable brown sugar, manufactured in Utah Territory, out of raw material produced in said Territory during the year in which the award is made, and who shall, by said committee, be declared to have produced and presented for inspection as aforesaid, the seven thousand pounds of sugar superior to all others entered in the competition; *Provided*, That should there be entered two or more best lots of sugar of nearly equal quality, the committee may award the said amount of five thousand dollars to the producers of the two or more best lots of sugar in such sums as the said committee may deem just and equitable; *And, Provided further*, That if the aforementioned award is not gained in the year 1882, then the provisions of this act are hereby extended to the thirty-first day of December, A. D. 1883.

SEC. 3. Should any vacancy occur in said committee by unwillingness or disability to act, upon application of any one or more of the competitors for said premium, the remaining members of said committee are hereby authorized and required to appoint others to fill said vacancies; said appointees shall have the same power as is herein conferred upon the aforesaid committee.

Proviso, etc.

How vacancies in Committee are to be filled.

Approved March 9, 1882.

CHAPTER XXXVII.

OF COUNTY CLERKS.

AN ACT further defining the Duties of County Clerks.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the clerk of each county court is hereby

County Clerk
to keep ac-
count of re-
ceipts and ex-
penditures,
etc.

Must submit
statement to
County Court
annually.

Court must
audit state-
ment.

Statement to
be published
and posted,
when.

Copy to be
sent to
Auditor.

Penalty.

Auditor of
Public Ac-
counts to re-
ceive finan-
cial state-
ments, and
present same
to Legislature.

required to keep an accurate account of all receipts and expenditures of his county, also of all debts payable to and by said county. At the session of the county court, annually, during the June term thereof, the county clerk shall submit to the said court a statement showing the total amount received from each source of revenue during the fiscal year ending on the thirty-first day of May next preceding, the balance, if any, in the treasury at the close of the previous fiscal year, the expenditures during the fiscal year just closed, specifying separately the total amount paid to each officer and the total amount for each and every disbursement, the balance on hand, if any, together with a statement of all the debts payable to and by said county. The said court shall thereupon audit said statement, and the county clerk shall, within ten days from the close of said auditing, publish a true copy of said statement as approved by the county court, in some newspaper having general circulation in the county, and by posting up the said copy in his office, and shall keep said copy posted up during the year, and shall also biennially, on or before the first day of November, send a correct copy of each year's report to the Auditor of Public Accounts. A neglect of any of these duties by the clerk of county court shall render him liable to a fine in any sum not exceeding five hundred dollars.

SEC. 2. It is hereby made the duty of the Auditor of Public Accounts to receive the financial statements mentioned in section 1 of this act, to carefully examine and audit the same, and during the first two weeks of the session of the Legislative Assembly to present them to the Legislative Assembly.

SEC. 3. Chapter XXVIII, Laws of Utah, 1880, is hereby repealed.

Approved March 9, 1882.

CHAPTER XXXVIII.

OF AUDITOR OF PUBLIC ACCOUNTS.

AN ACT to further define the Duties of the Auditor of Public Accounts.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*

That the Auditor of Public Accounts be and is hereby authorized and empowered to direct prosecution, in the name of the Territory, for all official delinquencies in relation to the assessment, collection and payment of the revenue against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the Territory, and when necessary to employ counsel for that purpose.

Auditor of Public Accounts to prosecute for official delinquencies.

May employ counsel.

Approved March 9, 1882.

CHAPTER XXXIX.

OF REVISION AND COMPILATION.

AN ACT providing for the Revision and Compilation of the Laws of the Territory of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*

That P. H. Emerson, John T. Caine, Samuel R. Thurman and Arthur L. Thomas are hereby constituted a committee on the revision and compilation of the laws of the Territory of Utah.

Committee appointed to compile and revise laws.

Duties of
Committee.

SEC. 2. It shall be the duty of said committee, during the next ensuing two years, to revise and compile all the laws of said Territory, in force therein, including the laws passed at the present session, and to arrange the same in one bill, divided into titles, chapters and sections, with said titles and sections, numbered consecutively. The said bill shall contain no repealed laws, and all the laws inconsistent with each other and not specially repealed, shall be noted in the margin, so far as said committee shall discover such inconsistencies.

Committee to
report to
Legislature.

SEC. 3. Said committee shall report said bill with notes, as aforesaid, and such recommendations relating thereto as they may deem wise, to the Legislative Assembly, during the first week of its next session.

Compensa-
tion.

Appropriation.

SEC. 4. Said committee shall receive the sum of four dollars per day each for each day actually employed at said labor, and their necessary traveling expenses; and there is hereby appropriated from the territorial treasury the sum of one thousand dollars, or so much thereof as may be necessary; to be used in the purchase of the necessary stationery and incidentals of said labor, and the balance to be paid to said committee on account of per diem and expenses. The remainder of said per diem and expenses, if any, to be paid for at the next session of the Legislative Assembly.

How vacancies in
Committee to be
filled.

SEC. 5. If from any cause there should become a vacancy in said committee, the other three members thereof are hereby empowered to fill such vacancy by appointment, and the appointee shall have all the powers and liabilities of the original members.

Approved March 9, 1882.

CHAPTER XL.

OF JURORS AND WITNESSES.

AN ACT Relating to Jury Attendance Rolls and Certificates of Witnesses.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*

That the clerks of the several district courts are hereby required to keep an attendance roll, on which shall be noted every day's attendance of each juror required to attend the court in criminal cases.

Clerks of District Courts to keep jury attendance rolls

SEC. 2. The foreman of the grand jury for any term of court shall certify to the clerk of the district court of the district for which such jury is summoned, the number of days' attendance of each witness who appears before said grand jury.

Foreman of Grand Jury to certify number of days Witnesses attend.

SEC. 3. Upon the receipt of said certificate from the foreman of the grand jury, the clerk shall make up the amount due each witness for attendance and mileage, which mileage shall be calculated from the precinct in which such witness was subpoenaed, and give a certificate therefor under the seal of said court.

Clerk to issue certificates for amount due to Witnesses.

SEC. 4. It shall be the duty of all officers or other persons serving subpoenas on witnesses to attend any of the district courts, in their returns on such subpoenas to recite the precinct in which such service was made.

Duties of officers serving subpoenas.

Approved March 9, 1882.

CHAPTER XLI.

OF NEGOTIABLE INSTRUMENTS.

An Act in relation to Negotiable Instruments.

CHAPTER FIRST.

NEGOTIABLE INSTRUMENTS IN GENERAL.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

ARTICLE FIRST.

General Definitions.

Negotiable
Instrument,
what.

SEC. 1. That a negotiable instrument is a written promise or request for the payment of a certain sum of money to order or bearer, in conformity to the provisions of this act.

Must be for
uncondition-
al payment of
money.

SEC. 2. A negotiable instrument must be made payable in money only, and without any condition not certain of fulfilment.

Payee.

SEC. 3. The person to whose order a negotiable instrument is made payable must be ascertainable at the time the instrument is made.

Instrument
may be in al-
ternative.

SEC. 4. A negotiable instrument may give to the payee an option between the payment of the sum specified therein and the performance of another act; but as to the latter, the instrument is not within the provisions of this act.

Date, etc.

SEC. 5. A negotiable instrument may be with or without date, and with or without designation of the time or place of payment.

May contain a
pledge, etc.

SEC. 6. A negotiable instrument may contain a pledge of collateral security, with authority to dispose thereof.

SEC. 7. A negotiable instrument must not contain any other contract than such as is specified in this article. What it must not contain.

SEC. 8. Any date may be inserted by the maker of a negotiable instrument, whether past, present or future, and the instrument is not invalidated by his death or incapacity at the time of the nominal date. Date.

SEC. 9. There are six classes of negotiable instruments, namely: 1st, bills exchange; 2d, promissory notes; 3d, bank notes; 4th, checks; 5th, bonds; 6th, certificates of deposit. Different classes of instruments.

ARTICLE SECOND.

Interpretation of Negotiable Instruments.

SEC. 10. A negotiable instrument which does not specify the time of payment is payable immediately. Time and place of payment.

SEC. 11. A negotiable instrument which does not specify a place of payment is payable at the residence or place of business of the maker, or wherever he may be found. Place of payment not specified.

SEC. 12. An instrument, otherwise negotiable in form, payable to a person named, but with the words added, "or to his order," or, "to bearer," or words equivalent thereto, is in the former case payable to the written order of such person, and in the latter case payable to the bearer. Instruments payable to a person or his order, how construed.

SEC. 13. A negotiable instrument, made payable to the order of the maker, or a fictitious person, if issued by the maker for a valid consideration, without indorsement, has the same effect against him and all other persons having notice of the fact, as if payable to the bearer. Unindorsed note, when negotiable.

SEC. 14. A negotiable instrument, made payable to the order of a person obviously fictitious, is payable to the bearer. Fictitious payee.

SEC. 15. The signature of every drawer, acceptor and indorser of a negotiable instrument is presumed to have been made for a valuable consideration, before the maturity of the instrument, and in the ordinary course of business. Presumption of consideration.

ARTICLE THIRD.

Indorsements.

Indorsement, what. SEC. 16. One who writes his name upon a negotiable instrument, otherwise than as a maker or acceptor, and delivers it, with his name thereon, to another person, is called an indorser, and his act is called indorsement.

Agreement to indorse. SEC. 17. One who agrees to indorse a negotiable instrument is bound to write his signature upon the back of the instrument, if there is sufficient space thereon for that purpose.

When may be made on separate paper. SEC. 18. When there is not room for a signature upon the back of a negotiable instrument, a signature equivalent to an indorsement thereof may be made upon a paper annexed thereto.

Kinds of indorsement. SEC. 19. An indorsement may be general or special.

General, what. SEC. 20. A general indorsement is one by which no indorsee is named.

Special, what. SEC. 21. A special indorsement specifies the indorsee.

General, how made special. SEC. 22. A negotiable instrument bearing a general indorsement cannot be afterwards specially indorsed; but any lawful holder may turn a general indorsement into a special one, by writing above it a direction for payment to a particular person.

Destruction of negotiability by indorser. SEC. 23. A special indorsement may, by express words for that purpose, but not otherwise, be so made as to render the instrument not negotiable.

Implied warranty of indorser. SEC. 24. Every indorser of a negotiable instrument, unless his indorsement is qualified, warrants to every subsequent holder thereof, who is not liable thereon to him: 1st, that it is in all respects what it purports to be; 2d, that he has a good title to it; 3d, that the signature of all prior parties are binding upon them; 4th, that if the instrument is dishonored, the indorser will, upon notice thereof duly given to him, or without notice where it is excused by law, pay the same with interest, unless exonerated under the provisions of sections 71, 109 and 111.

Indorser, when liable to payee. SEC. 25. One who endorses a negotiable instrument before it is delivered to the payee, is liable to the payee thereon as an indorser.

SEC. 26. An indorser may qualify his indorsement with the words, "without recourse," or equivalent words; and upon such indorsement, he is responsible only to the same extent as in the case of a transfer without indorsement.

Indorsement
without
recourse.

SEC. 27. Except as otherwise prescribed by the last section, an indorsement without recourse has the same effect as any other indorsement.

Same.

SEC. 28. An indorsee of a negotiable instrument has the same rights against every prior party thereto that he would have had if the contract had been made directly between them in the first instance.

Indorsee prior
to contract.

SEC. 29. The want of a consideration for the undertaking of a maker, acceptor or indorser of a negotiable instrument does not exonerate him from liability thereon to an indorsee in good faith for a consideration.

Effect of want
of considera-
tion.

SEC. 30. An indorsee in due course is one who, in good faith, in the ordinary course of business, and for value, before its apparent maturity or presumptive dishonor, and without knowledge of its actual dishonor, acquires a negotiable instrument, duly indorsed to him, or indorsed generally, or payable to the bearer.

Indorsee in
due course,
what.

SEC. 31. An indorsee of a negotiable instrument, in due course, acquires an absolute title thereto, so that it is valid in his hands, notwithstanding any provision of law making it generally void or voidable, and notwithstanding any defect in the title of the person from whom he acquired it.

Rights of in-
dorsee in due
course.

SEC. 32. One who makes himself a party to an instrument intended to be negotiable, but which is left partly in blank for the purpose of filling afterwards, is liable upon the instrument to an indorsee thereof in due course, in whatever manner and at whatever time it may be filled, so long as it remains negotiable in form.

Instruments
left blank.

ARTICLE FOURTH.

Presentment for Payment.

SEC. 33. It is not necessary to make a demand of payment upon the principal debtor in a negotiable instrument in order to charge to him,

Effect of want
of demand on
principal
debtor.

but if the instrument is by its terms payable at a specified place and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to an offer of payment upon his part.

Presentment,
how made.

SEC. 34. Presentment of a negotiable instrument for payment, when necessary, must be made as follows, as nearly as by reasonable diligence is practicable: 1st, The instrument must be presented by the holder; 2d, The instrument must be presented to the principal debtor, if he can be found at the place where presentment should be made, and if not, then it must be presented to some other person having charge thereof or employed therein, if one can be found there; 3d, An instrument which specifies a place for its payment must be presented there, and if the place specified includes more than one house, then at the place of residence or business of the principal debtor if it can be found therein; 4th, An instrument which does not specify a place for its payment must be presented at the place of residence or business of the principal debtor, or wherever he may be found, at the option of the presenter; 5th, The instrument must be presented upon the day of its maturity, or, if it be payable on demand, it may be presented upon any day; it must be presented within reasonable hours, and if it be payable at a banking house, within the usual banking hours of the vicinity, but, by the consent of the person to whom it should be presented, it may be presented at any hour of the day; and 6th, If the principal debtor have no place of business, or if his place of business or residence cannot, with reasonable diligence, be ascertained, presentment for payment is excused.

Apparent maturity, when.

SEC. 35. The apparent maturity of a negotiable instrument payable at a particular time, is the day on which by its terms it becomes due, or when that is a holiday, the next preceding business day, except when such preceding day is also a holiday; in the latter event such instrument shall become due on the next succeeding business day.

Presumptive dishonor of bill, payable after sight.

SEC. 36. A bill of exchange, payable at a certain time after sight, which is not accepted within ten days after its date, in addition to the

time which would suffice, with ordinary diligence, to forward it for acceptance, is presumed to have been dishonored.

SEC. 37. The apparent maturity of a bill of exchange, payable at sight or on demand, is, 1st, Apparent maturity of bill, payable at sight. If it bears interest, one year after its date; or, 2d, If it does not bear interest, ten days after its date, in addition to the time which would suffice, with ordinary diligence, to forward it for acceptance.

SEC. 38. The apparent maturity of a promissory note, payable at sight or on demand is, 1st, Apparent maturity of note. If it bears interest, one year after its date; or, 2d, If it does not bear interest, six months after its date.

SEC. 39. When a promissory note is payable same. at a certain time after sight or demand, such time is to be added to the periods mentioned in the preceding section.

SEC. 40. A party to a negotiable instrument may require, as a condition concurrent to its payment by him, 1st, That the instrument be surrendered to him, unless it is lost or destroyed, or the holder has other claims upon it; or, 2d, If the holder has a right to retain the instrument and does retain it, then that a receipt for the amount paid or an exoneration of the party paying be written thereon; or, 3d, If the instrument is lost or destroyed, then that the holder give to him a bond, executed by himself and two sufficient sureties, to indemnify him against any lawful claim thereon. Surrender of instrument, when condition of payment.

ARTICLE FIFTH.

Dishonor of Negotiable Instruments.

SEC. 41. A negotiable instrument is dishonored when it is either not paid or not accepted, according to its tenor, on presentment for that purpose, or without presentment where that is excused. Dishonor, what.

SEC. 42. Notice of the dishonor of a negotiable instrument may be given, 1st, by a holder thereof; or, 2d, by any party to the instrument who might be compelled to pay it to the holder, Notice, by whom given.

and who would, upon taking it up, have a right to reimbursement from the party to whom the notice is given.

Form of
notice.

SEC. 43. A notice of dishonor may be given in any form which describes the instrument with reasonable certainty, and substantially informs the party receiving it that the instrument has been dishonored.

Notice, how
served.

SEC. 44. A notice of dishonor may be given, 1st, by delivering it to the party to be charged, personally, at any place; or, 2d, by delivering it to some person of discretion at the place of residence or business of such party apparently acting for him; or, 3d, by properly folding the notice, directing it to the party to be charged, at his place of residence, according to the best information that the person giving the notice can obtain, depositing it in the post office most conveniently accessible from the place where the presentment was made and paying the postage thereon.

Notice, how
served after
indorser's
death.

SEC. 45. In case of the death of a party to whom the notice of dishonor should otherwise be given, the notice must be given to one of his personal representatives; or if there are none, then to any member of his family who resided with him at his death; or if there is none, then it must be mailed to his last place of residence, as prescribed by subdivision 3 of last section.

When notice
given after
death is valid.

SEC. 46. A notice of dishonor sent to a party after his death, but in ignorance thereof, and in good faith, is valid.

Notice, when
to be given.

SEC. 47. Notice of dishonor, when given by the holder of an instrument or his agent, otherwise than by mail, must be given on the day of dishonor, or on the next business day thereafter.

Notice of dishonor,
when
to be mailed.

SEC. 48. When notice of dishonor is given by mail, it must be deposited in the post office in time for the first mail which closes after noon of the first business day succeeding the dishonor, and which leaves the place where the instrument was dishonored for the place to which the notice should be sent.

Notice, how
given by
agent.

SEC. 49. When the holder of a negotiable instrument, at the time of its dishonor, is a mere agent for the owner, it is sufficient for him to give notice to his principal in the same manner as to

an indorser, and his principal may give notice to any other party to be charged, as if he were himself an indorser. And if an agent of the owner employs a sub-agent, it is sufficient for each successive agent or sub-agent to give notice in like manner to his own principal.

SEC. 50. Every party to a negotiable instrument, receiving notice of its dishonor, has the like time thereafter to give similar notice to prior parties as the original holder had after its dishonor, but this additional time is available only to the particular party entitled thereto.

Additional time for notice by indorser.

SEC. 51. A notice of the dishonor of a negotiable instrument, if valid, in favor of the party giving it, inures to the benefit of all other parties thereto whose right to give the like notice has not then been lost.

Effect of notice of dishonor.

ARTICLE SIXTH.

Excuse of Presentment and Notice.

SEC. 52. Notice of dishonor is excused : 1st, when the party by whom it should be given cannot, with reasonable diligence, ascertain either the place of residence or business of the party to be charged ; or, 2d, when there is no post office communication between the town of the party by whom the notice should be given, and the town in which the place of residence or business of the party to be charged is situated ; or, 3d, when the party to be charged is the same person who dishonors the instrument ; or, 4th, when the notice is waived by the party entitled thereto.

Notice of dishonor, when excused.

SEC. 53. Presentment and notice are excused as to any party to a negotiable instrument, who informs the holder, within ten days before its maturity, that it will be dishonored.

Presentment and notice, when excused

SEC. 54. If before or after the maturity of an instrument an indorser has received full security for the amount thereof, or the maker has assigned all his estate to him as such security, presentment and notice to him are excused.

Same.

SEC. 55. Delay in presentment, or in giving notice of dishonor, is excused when caused by

Delay, when excused.

circumstances which the party delaying could not have avoided by the exercise of reasonable care and diligence.

Waiver of presentment and notice.

SEC. 56. A waiver of presentment waives notice of dishonor also; unless the contrary is expressly stipulated; but a waiver of notice does not waive presentment.

Waiver of protest.

SEC. 57. A waiver of protest on any negotiable instrument other than a foreign bill of exchange waives presentment and notice.

ARTICLE SEVENTH.

Extinction of Negotiable Instruments.

Obligation of party, when extinguished.

• SEC. 58. The obligation of a party to a negotiable instrument is extinguished: 1st, in like manner with that of parties to contracts in general; or, 2d, by payment of the amount due upon the instrument at or after its maturity, in good faith and in the ordinary course of business to any person having actual possession thereof and entitled by its terms payment.

CHAPTER SECOND.

BILLS OF EXCHANGE.

ARTICLE FIRST.

Form and Interpretation of a Bill.

Bill of Exchange, what.

SEC. 59. A bill of exchange is an instrument negotiable in form, by which one, who is called the drawer, requests another, called the drawee, to pay a specified sum of money.

Drawee, in case of need.

SEC. 60. A bill of exchange may give the name of any person in addition to the drawee, to be resorted to in case of need.

Bill in parts of a set.

SEC. 61. A bill of exchange may be drawn in any number of parts, each part stating the existence of the others, and all forming one set.

When must be in a set.

SEC. 62. An agreement to draw a bill of exchange binds the drawer to execute it in three parts, if the other party to the agreement desires it.

SEC. 63. Presentment, acceptance or payment of a single part in a set of a bill of exchange is sufficient for the whole. Presentment, etc., of a part of set.

SEC. 64. A bill of exchange is payable: 1st, at the place where by its terms it is made payable; or, 2d, if it specifies no place of payment, then at the place to which it is addressed; or, 3d, if it be not addressed to any place, then at the place of residence or business of the drawee, or wherever he may be found. If the drawee has no place of business, or if his place of business or residence cannot with reasonable diligence be ascertained, presentment for payment is excused, and the bill may be protested for non-payment. Bill, where payable.

SEC. 65. The rights and obligations of the drawer of a bill of exchange are the same as those of the first indorser of any negotiable instrument. Rights, etc., of drawer.

ARTICLE SECOND.

Days of Grace.

SEC. 66. Days of grace are not allowed. Days of grace

ARTICLE THIRD.

Presentment for Acceptance.

SEC. 67. At any time before a bill of exchange is payable, the holder may present it to the drawee for acceptance, and if acceptance is refused the bill is dishonored. When bill may be presented.

SEC. 68. Presentment for acceptance must be made in the following manner, as nearly as by reasonable diligence it is practicable; 1st, the bill must be presented by the holder or his agent; 2d, it must be presented on a business day and within reasonable hours; 3d, it must be presented to the drawee; or if he be absent from his place of residence or business, to some person having charge hereof or employed therein; and, 4th, the drawee on such presentment may postpone his acceptance or refusal until the next business day, but if the drawee have no place of business, or if his place of business or residence cannot with reasonable diligence be ascertained, presentment for acceptance is excused and the bill may be protested for non-acceptance. Presentment for acceptance, how made.

Presentment
to joint
drawees.

SEC. 69. Presentment for acceptance to one of the several joint drawees and refusal by him, dispenses with presentment to the others.

When pre-
sentment to
be made to
drawee in
case of need.

SEC. 70. A bill of exchange which specifies a drawee in case of need must be presented to him for acceptance or payment, as the case may be, before it can be treated as dishonored.

Presentment,
when must be
made.

SEC. 71. When a bill of exchange is payable at a specified time after sight, the drawer and indorsers are exonerated if it is not presented for acceptance within ten days after the time which would suffice, with ordinary diligence, to forward it for acceptance, unless presentment is excused.

ARTICLE FOURTH.

Acceptance.

Acceptance,
how made.

SEC. 72. An acceptance of a bill must be made in writing by the drawee, or by an acceptor for honor, and may be made by the acceptor writing his name across the face of the bill, with or without other words.

Holder enti-
tled to accep-
tance on face
of bill.

SEC. 73. The holder of a bill of exchange, if entitled to an acceptance thereof, may treat the bill as dishonored if the drawee refuses to write across its face an unqualified acceptance.

What accep-
tance suffi-
cient with
consent of
holder.

SEC. 74. The holder of a bill of exchange may, without prejudice to his rights against prior parties, receive and treat as a sufficient acceptance: 1st, an acceptance written upon any part of the bill, or upon a separate paper; 2d, an acceptance qualified so far only as to make the bill payable at a particular place within the city or town in which, if the acceptance was unqualified, it would be payable; or, 3d, a refusal by the drawee to return the bill to the holder after presentment, in which case the bill is payable immediately without regard to its terms.

Acceptance
by separate
instrument.

SEC. 75. The acceptance of a bill of exchange, by a separate instrument, binds the acceptor to one, who, upon the faith thereof, has the bill for value or other good consideration.

Promise to
accept, when
equivalent to
acceptance.

SEC. 76. An unconditional promise, in writing, to accept a bill of exchange, is a sufficient acceptance thereof, in favor of every person who

upon the faith thereof has taken the bill for value or other good consideration.

SEC. 77. The acceptor of a bill of exchange may cancel his acceptance at any time before delivering the bill to the holder, and before the holder has, with the consent of the acceptor, transferred his title to another person, who has given value for it upon the faith of such acceptance. Cancellation of acceptance.

SEC. 78. The acceptance of a bill of exchange admits the signature of the drawer, but does not admit the signature of any indorser to be genuine. What acceptance admits.

ARTICLE FIFTH.

Acceptance and Payment for Honor.

SEC. 79. On the dishonor of a bill of exchange by the drawee, and in case of a foreign bill, after it has been duly protested, it may be accepted or paid by any person, for the honor of any party thereto. When bill may be accepted and paid for honor.

SEC. 80. The holder of a bill of exchange is not bound to allow it to be accepted for honor, but is bound to accept payment for honor. Holder bill exchange must accept payment for honor.

SEC. 81. An acceptor or payer for honor must write a memorandum upon the bill, stating therein for whose honor he accepts or pays, and must give notice to such parties with reasonable diligence, of the fact of such acceptance or payment. Having done so, he is entitled to reimbursement from such parties and from all parties prior to them. Acceptance for honor, how made.

SEC. 82. A bill of exchange which has been accepted for honor, must be presented at its maturity to the drawee for payment, and notice of its dishonor by him must be given to the acceptor for honor, in like manner as to an indorser; after which the acceptor for honor must pay the bill. How enforced

SEC. 83. The acceptance of a bill of exchange for honor does not excuse the holder from giving notice of its dishonor by the drawee. Notice of dishonor, not excused, when.

ARTICLE SIXTH.

Presentment for Payment.

Presentment,
when bill not
accepted,
where made.

SEC. 84. If a bill of exchange is, by its terms, payable at a particular place, and is not accepted on presentment, it must be presented at the same place for payment, when presentment for payment is necessary.

Presentment
of bill, pay-
able at partic-
ular place.

SEC. 85. A bill of exchange accepted payable at a particular place, must be presented at that place for payment when presentment for payment is necessary, and need not be presented elsewhere.

Effect of de-
lay in pre-
sentment, in
certain cases.

SEC. 86. If a bill of exchange, payable at sight or on demand, without interest, is not duly presented for payment within ten days after the time in which it could, with reasonable diligence, be transmitted to the proper place for such presentment, the drawer and indorsers are exonerated, unless such presentment is excused.

Effect in other
cases.

SEC. 87. Mere delay in presenting a bill of exchange, payable with interest, at sight or on demand, does not exonerate any party thereto.

ARTICLE SEVENTH.

Excuse of Presentment and Notice.

Presentment,
when excused

SEC. 88. The presentment of a bill of exchange for acceptance is excused, if the drawee has not capacity to accept it.

Delay, when
excused.

SEC. 89. Delay in the presentment of a bill of exchange for acceptance is excused, when caused by circumstances over which the holder has no control.

Presentment
and notice,
when excused

SEC. 90. Presentment of a bill of exchange for acceptance or payment, and notice of its dishonor, are excused as to the drawer, if he forbids the drawee to accept, or the acceptor to pay the bill, or if, at the time of drawing, he had no reason to believe that the drawee would accept or pay the same.

ARTICLE EIGHTH.

Foreign Bills.

Definitions.

SEC. 91. An inland bill of exchange is one drawn and payable within this Territory; all others are foreign.

SEC. 92. Notice of the dishonor of a foreign bill of exchange can be given only by notice of its protest. Protest necessary.

SEC. 93. Protest must be made by a notary public, if with reasonable diligence one can be obtained; and if not, then by any reputable person, in the presence of two witnesses. Protest, by whom made.

SEC. 94. Protest must be made by an instrument in writing, giving a literal copy of the bill of exchange, with all that is written thereon, or annexing the original; stating the presentment and manner in which it was made; the presence or absence of the drawee or acceptor, as the case may be; the refusal to accept or to pay, or the inability of the drawee to give a binding acceptance, and in case of refusal, the reason assigned, if any, and, finally, protesting against all the parties to be charged. Protest, how made.

SEC. 95. A protest for non-acceptance must be made in the city or town in which the bill is presented for acceptance, and a protest for non-payment in the city or town in which it is presented for payment. Protest, where made.

SEC. 96. A protest must be noted on the day of presentment, or on the next business day; but it may be written out at any time thereafter. Protest, when to be made.

SEC. 97. The want of a protest of a foreign bill of exchange, or delay in making the same, is excused in like cases with the want or delay of presentment. Protest, when excused.

SEC. 98. Notice of protest must be given in the same manner as notice of dishonor, except that it may be given by the notary who makes the protest. Notice of protest, how given.

SEC. 99. If a foreign bill of exchange on its face waives protest, notice of dishonor may be given to any party thereto, in like manner as of an inland bill; except that if any indorser of such a bill expressly requires protest to be made by a direction written on the bill at or before his indorsement, protest must be made and notice thereof given to him and to all subsequent indorsers. Waiver of protest.

SEC. 100. One who pays a foreign bill of exchange for honor must declare, before payment, in the presence of a person authorized to make protest, for whose honor he pays the same, in order to entitle him to reimbursement. Declaration before payment for honor.

Damages allowed on dishonor of foreign bill.

SEC. 101. Damages are allowed as herein after prescribed. As a full compensation for interest accrued, before notice of dishonor, re-exchange, expenses and all other damages in favor of holders for value only, upon bills of exchange drawn or negotiated within this Territory and protested for non-acceptance or non-payment.

Rate of damages.

SEC. 102. Damages are allowed under the last section upon bills drawn upon any person: 1st, if drawn upon any person in this Territory, one dollar upon each one hundred dollars of the principal sum specified in the bill; 2d, if drawn upon any person in any of the other States or Territories of the United States, two and a half dollars upon each one hundred dollars of the principal sum specified in the bill; 3d, if drawn upon any person in any place in a foreign country, five dollars upon each hundred dollars of the principal sum specified in the bill.

Interest on amount of protested bill.

SEC. 103. From the time of notice of dishonor and demand of payment, lawful interest must be allowed upon the aggregate amount of the principal sum specified in the bill, and the damages mentioned in the preceding section.

Damages, how estimated.

SEC. 104. If the amount of a protested bill of exchange is expressed in money of the United States, damages are estimated upon such amount, without regard to the rate of exchange.

Same

SEC. 105. If the amount of a protested bill of exchange is expressed in foreign money, damages are estimated upon the value of a similar bill at the time of protest, in the place nearest to the place where the bill was negotiated, and where such bills are currently sold.

CHAPTER THIRD.

PROMISSORY NOTES.

Promissory note, what.

SEC. 106. A promissory note is an instrument, negotiable in form, whereby the signer promises to pay a specified sum of money.

SEC. 107. An instrument in the form of a bill of exchange, but drawn upon and accepted by the drawer himself, is to be deemed a promissory note.

Certain instruments promissory notes.

SEC. 108. A bill of exchange, if accepted with the consent of the owner by a person other than the drawee, or an acceptor for honor, becomes in effect the promissory note of such person, and all prior parties thereto are exonerated.

Bill of Exchange, when converted into a note.

SEC. 109. If a promissory note, payable on demand, or at sight, without interest, is not duly presented for payment within six months from its date, the indorsers thereof are exonerated, unless such presentment is excused, and chapter one and sections 66 and 87 of this act shall apply to promissory notes.

Effect of delay in presentment.

CHAPTER FOURTH.

CHECKS.

SEC. 110. A check is a bill of exchange drawn upon a bank or banker, or a person described as such upon the face thereof, and payable on demand, without interest.

Check, what.

SEC. 111. A check is subject to all the provisions of this act, concerning bills of exchange, except that: 1st, the drawer and indorsers are exonerated by delay in presentment only to the extent of the injury which they suffer thereby; 2d, an indorsee after its apparent maturity, but without actual notice of its dishonor, acquires a title equal to that of an indorsee before such period.

Rules applicable to checks.

CHAPTER FIFTH.

BANK NOTES.

SEC. 112. A bank note remains negotiable even after it has been paid by the maker.

Bank note negotiable after payment.

Law takes
effect, when.

SEC. 113. This act shall be published for six consecutive issues in the *Deseret News*, daily edition, and in two consecutive issues of the semi-weekly edition, and shall take effect at twelve at night of the last of its publication in the daily.

Approved March 9, 1882.

XLII.

OF UTAH REPORTS.

AN ACT to provide for the Purchase and Distribution of Bound Copies of the Utah Reports.

Auditor to
purchase
Utah Reports.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the Auditor of Public Accounts is authorized by this act to purchase, for the use of the Territory and for distribution, as hereinafter provided, fifty copies of the third volume of Utah Reports, now being prepared for publication.

Appropriation.

SEC. 2. Upon the completion of such contract of purchase and delivery of the number of volumes specified in the foregoing section, to the Auditor of Public Accounts, it is hereby made the duty of such Auditor to draw his warrant for the amount of such purchase on the territorial treasury, payable out of any funds in the treasury not otherwise appropriated.

Manner of
distribution
of reports.

SEC. 3. After the purchase and receipt by him of the third volume of the Utah Reports, it shall be the duty of the Auditor to distribute the same in the manner following, viz: To office of Governor and Secretary one copy each; to the Supreme and District Courts, and United States District Attorney one copy each; for the use of the Legislative Assembly, five copies; for the use of the Territorial Library, five copies;

one copy to each of the several counties in this Territory; one copy each to the Congressional and Supreme Court Libraries at Washington. The remainder shall remain on deposit with the Auditor subject to the further order of the Legislative Assembly.

SEC. 4. The Auditor of Public Accounts is hereby authorized and required to purchase and draw his warrant on the territorial treasury in payment therefor, ten copies each of the first and second volumes of the Utah Reports, and on receipt thereof he shall distribute them as follows: Appropriation to purchase Vols. 1 and 2 Utah Reports.
To the Territorial Library, four copies of each volume; for the use of the Legislative Assembly, six copies of each volume. Distribution.

Approved March 9, 1882.

CHAPTER XLIII.

INCORPORATING PARK CITY.

AN ACT incorporating Park City.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That so much of the county of Summit as is included in sections 9, 10, 15, 16, 21 and 22, of township two south, range four east, Salt Lake meridian, shall be and the same is hereby organized and incorporated into a city by the name of Park City, and the inhabitants of said city are hereby constituted a body politic by the name aforesaid, and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. There shall be a mayor and four aldermen elected, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their

offices for two years and until their successors shall be elected and qualified. The mayor and board of aldermen shall judge of their own qualifications, election and return of their own members, and a majority of them shall form a quorum to do business at all general or special meetings, due notice of which has been given, and the mayor shall preside at all meetings when present and have a casting vote. When the mayor is absent, one of the aldermen may be appointed by the board to act in his place during his absence; and any vacancy in any of the offices of said corporation, occasioned by death, resignation, removal or otherwise, may be filled, for the unexpired term of such office, by a majority of the whole board.

SEC. 3. The mayor and aldermen of said city, before entering upon the duties of their offices, shall be commissioned by the Governor, and shall take and subscribe an oath or affirmation that they will support the Constitution of the United States and the laws of this Territory; and that they will well and truly perform all the duties of their offices to the best of their skill and abilities; which oath shall be filed with the Secretary of the Territory.

SEC. 4. The mayor and aldermen shall be elected biennially in said city, and the first election under this act shall be at such time as the probate judge of said county shall direct; *Provided*, Said election shall be on or before the first Monday of August next. Said election shall be held and conducted as now provided by law for holding elections for county and Territorial officers, and at the first election all voters legally qualified shall be entitled to vote.

SEC. 5. The clerks of the election in said city shall leave with each person elected, or at the usual places of residence, within five days after election, a written notice of his election; and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the clerk, whose appointment is hereinafter provided for, and be by him preserved, and all subsequent elections shall be held,

conducted and returns thereof be made, as may be provided by ordinance of the mayor and board of aldermen.

SEC. 6. The mayor and board of aldermen in said city shall have the following powers, to-wit:

First—To purchase, hold or convey all necessary estate, real or personal, for the use and benefit of the corporation.

Second—To prevent, abate and remove nuisances, and adopt such other measures for the public health as they may deem proper.

Third—To purchase, hold, own and lay out graveyards and cemeteries, and regulate the burial of the dead.

Fourth—To restrain from running at large horses, mules, cattle, sheep, goats, swine and all kinds of poultry in said city, under such penalties and regulations as may be prescribed by the ordinances of said city.

Fifth—To provide for the protection of shade trees, monuments, and other public property in said city.

Sixth—To license, tax and regulate the manufacturing, vending or giving away of spirituous, vinous or fermented liquors, and to license and regulate hotel or tavern keepers, eating houses and restaurants, merchants, grocers and peddlers.

Seventh—To license all exhibitions of showmen, concerts, theatricals, circuses or other traveling shows, public dances or amusements, or to suppress any of the foregoing which are indecent.

Eighth—To restrain and punish vagrants, prostitutes and libertines.

Ninth—To appoint policemen and watchmen, and prescribe their duties, powers and qualifications.

Tenth—To prohibit and suppress disorderly, lewd or gambling houses and all devices for gambling, and to suppress any drunkenness, rout, riot, noise, disturbance or disorderly assemblage.

Eleventh—To levy and collect an annual tax for general corporation purposes on all such property as shall be subject to county and territorial taxes, and such tax shall, when so

levied, constitute a lien upon all said property, and shall be collected as county and territorial taxes are collected, so far as is consistent with this act; *Provided*, All taxes for such purpose in any one year shall not exceed one-half of one per cent. on the assessed valuation of the property so assessed; unless two-thirds of the electors voting at a special meeting, called for that purpose, shall vote a larger per cent. to be levied; but in no case shall said tax exceed, nor electors be allowed to levy more than one per cent. on the assessed valuation aforesaid in one year.

Twelfth—To lay out, open, construct, grade, pave and otherwise improve streets, lanes, alleys, sidewalks or cross walks, and to prohibit the encumbering of sidewalks with any materials whatever, and riding or driving thereon, except to cross the same.

Thirteenth—To lay out, construct, open and keep in repair canals, water ditches or water pipes for irrigation, domestic or other use of the inhabitants of said city.

Fourteenth—To direct, in prosecution of actions at law, in which said city may be a party, and may sue and be sued in their corporate name.

Fifteenth—To fix and establish the compensation of the officers made elective or appointed by the mayor and board of aldermen.

Sixteenth—To prevent horses racing, and immoderate riding or driving in the streets of said city.

Seventeenth—To prevent the running at large of dogs by imposing a tax on the same or otherwise, or to authorize their destruction, in a summary manner, when running at large contrary to the ordinance of said city.

Eighteenth—To make, ordain, pass, establish and enforce such ordinances and regulations not repugnant to the Constitution of the United States or the laws of this Territory, for the purpose of carrying into effect the provisions of this act as they may deem proper, and to repeal, alter and amend the same at pleasure; but no such ordinance or regulations shall take effect or be in force until the same shall have been published ten days in some public newspaper printed in

said city, or posted in not less than three public places therein.

Nineteenth—To appoint a city clerk, a city marshal and such other officers as may be necessary for the good order and well being of said city, define their duties, remove them from office at pleasure, and require them to take and subscribe an oath, and give such bonds as shall be provided by ordinances, which oath and bond shall be filed with the mayor and board of aldermen.

SEC. 7. The mayor and board of aldermen of said city may ordain and provide such reasonable fines, forfeitures and penalties as they shall deem proper in any sum less than that prescribed for like crimes in the laws of the Territory, to be prosecuted before any justice of the peace in said city, in the name of the corporation; and all expenses incurred in unsuccessful prosecutions for the recovery of any fine or penalty, or forfeitures, shall be paid by the corporation; and all fines, forfeitures and penalties, when collected, shall be paid to the corporation as may be provided by ordinance.

SEC. 8. The city clerk of said city shall have the custody of and safely keep the corporate seal, records, books and papers thereof entrusted to him by the mayor and board of aldermen, and attend all meetings of the board and record all their proceedings, and he shall audit all accounts allowed by the mayor and board of aldermen, and perform such other duties as may be required of him.

SEC. 9. The marshal of said city shall possess the same power, be subject to like liabilities, and exercise the same privileges as are possessed and conferred by law upon constables, to execute such legal orders as may be required of him, and to assess and collect all taxes levied by the mayor and board of aldermen in said city in the same manner as county and territorial taxes are collected, so far as consistent with the provisions of this act, and perform such other lawful duties as may be required by the mayor and board of aldermen.

SEC. 10. The qualified voters of said city

shall elect, at the same time and in the same manner as the mayor and aldermen of said city, three justices of the peace, who shall be commissioned by the Governor, and possess the same powers as are conferred by the laws of this Territory upon such officers, and shall have jurisdiction to try and determine all cases arising under the ordinances of said city. At the same time and manner, the qualified voters of said city may elect three constables, who shall have the same powers as are conferred upon constables by the laws, and shall be commissioned by the Governor.

SEC. 11. The mayor and aldermen of said city may provide by ordinance, and enforcement thereof, such regulations as may be necessary to protect the property of the inhabitants of said city from loss by fire.

SEC. 12. This act may be amended or repealed at the pleasure of the Legislative Assembly.

Approved March 9, 1882.

CHAPTER XLIV.

OF FEES.

AN ACT Prescribing Fees for the Secretary of the Territory in certain cases, and for other purposes.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That from and after the passage of this act the Secretary of Utah Territory shall be entitled to receive the following fee: For issuing warrants, to be paid by applicants, \$5.00. For filing papers of incorporation, \$5.00.

Fees of Secretary.

SEC. 2. The Secretary of Utah Territory is hereby authorized to take and certify to acknowledgements and to administer oaths. Secretary may administer oaths, etc.

Approved March 9, 1882.

CHAPTER XLV.

OF COMPILED LAWS.

AN ACT to amend Title XX, Compiled Laws of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1226 of the Compiled Laws of Utah is hereby amended by adding thereto the following: And all courts possessing chancery as well as common law jurisdiction, may administer legal and equitable rights, and apply legal and equitable remedies, in favor of either party, in one and the same action: *Provided*, That whenever there is any variance between the rules of equity and the rules of common law, in reference to the same matter, the rules of equity shall prevail. Jurisdiction. Proviso.

SEC. 2. Section 1234 is hereby repealed and the following enacted in lieu thereof: When an infant, or insane, or incompetent person is a party, he must appear either by his general guardian, or by a guardian *ad litem* appointed by the court, or by a judge thereof, in which the action is pending in each case. A guardian *ad litem* may be appointed in any case when it is deemed necessary by the court in which the action or proceeding is prosecuted, or by a judge thereof, expedient to represent the infant, insane, or incompetent person in the action or proceeding, notwithstanding he may have a general guardian and may have appeared by him. Minor, how to appear.

SEC. 3. Section 1235 is hereby amended by adding thereto the following: Third—When an insane or incompetent person is party to an action or proceeding, upon the application of a relative or friend of each insane or incompetent person, or of any other party to the action or proceeding.

SEC. 4. Section 1236 is hereby amended by adding thereto the following: And a father, or in case of his death or desertion of his family, the mother, may prosecute, as plaintiff, for the seduction of the daughter, and the guardian for the seduction of the ward, though the daughter or ward be not living with or in the service of the plaintiff at the time of the seduction, or afterward, and there be no loss of service; *Provided*, That an unmarried female may prosecute, as plaintiff, in an action for her own seduction, and may recover therein such damages, pecuniary or exemplary, as are assessed in her favor.

Guardian,
how appoint-
ed.

Proviso.

Defendant,
who may be
made.

SEC. 5. Section 1238 is hereby amended by adding thereto the following: And in an action to determine the title or right of possession to real property which, at the time or commencement of the action, is in the possession of a tenant, the landlord may be joined as a party defendant.

Summons
may be is-
sued, how.

SEC. 6. Section 1248 is hereby amended by adding thereto the following: And if the action be brought against two or more defendants, who reside in different judicial districts, or in different counties within the same or other judicial districts in this Territory, the plaintiff may have a summons issued for each of such counties or for each of such districts, as he shall demand, at the same time, if a summons is returned without being served on any or all of the defendants, or if it has been lost, the clerk, upon demand of the plaintiff, may issue an alias summons, in the same form as the original, and such alias summons shall have the same force and effect as the original.

Service of
publication.

SEC. 7. Section 1255 is hereby amended by striking out the words "shall in like," in the eighth line, and the words "manner appear," in line nine of said section and inserting in lieu thereof the following: "Also appears by such affidavit, or by the verified complaint on file."

SEC. 8. Section 1258 is hereby amended by adding thereto the following: Fourth—When served by a citizen of the United States over twenty-one years of age, the affidavit of such citizen.

Proof of service.

~~that portion of Section 1207~~ Sec. 1207 of Compiled Laws repealed.

Section 9, page 75, as it passed both houses, amended 1267 of the Compiled Laws. By an error of the enrolling clerk it was made to read "Section 1207."

mending complaint.

answer, what to sustain.

ARTHUR L. THOMAS,
Secretary.

that ground.

SEC. 12. Section 1274 is hereby amended by adding thereto the following: Whenever the defendant seeks affirmative relief against any party, relating to, or depending upon the contract or transaction upon which action is brought, or affecting the property to which the action relates, he may, in addition to his answer, file at the same time, or by permission of the court, subsequently, a cross-complaint. The cross-complaint must be served upon the parties affected thereby, or their attorney who has appeared in the action, and such parties may demur or answer thereto, as to an original complaint.

Several defenses may be set up.

SEC. 13. Section 1279 is hereby amended by adding thereto the following: And serve a copy thereof on the defendant or his attorney.

Written instrument to be served, how.

SEC. 14. Section 1284 is hereby amended by striking out the word "or," and the words "of especial jurisdiction," in line two of said section, and inserting after the word "officer," in said line two, the following: "or board."

Judgment.

SEC. 15. Section 1291 is hereby amended by inserting after the word "and," and before the word "served," in line eleven of said section, the following: "copies thereof."

Supplemental complaint or answer, how served.

Costs of demurrer.

SEC. 16. Section 1292 is hereby amended by inserting after the word "costs," in line eleven, the words, "of demurrer."

Amendment of pleadings.

SEC. 17. Section 1293 is hereby amended by inserting after the word "proper," and before the word "armed," in line two of said section, the following: "allow a party to."

How writ should be executed.

SEC. 18. Section 1352 is hereby amended by striking out the word "twenty-six," in line five, and inserting in lieu thereof the word "twenty-five." It is hereby further amended by striking out sub-division "first," of said section, and the following is hereby enacted in lieu thereof: First—Real property standing upon the records of the county in the name of the defendant, must be attached by filing with the recorder of the county a copy of the writ, together with a description of the property attached and a notice that it is attached, and by leaving a similar copy of the writ, description and notice with an occupant of the property, if there is one, if not then by posting the same in a conspicuous place on the property attached. Any other real property or any interest therein, belonging to the defendant, and held by any other person, or standing upon the records of the county in the name of any other person, must be attached by filing with the recorder of the county a copy of the writ, together with a description of the property and a notice that such real property and any interest of the defendant therein, held by or standing in the name of such other person naming him, are attached, and by leaving with the occupant, if any, and with such other person or his agent, if known and within the county, or at the residence of either, if within the county, a copy of the writ, with a similar description and notice. If there is no occupant of the property, a copy of the writ, together with such description and notice, must be posted in a conspicuous place upon the property. The recorder must index such attachment when filed in the names both of the defendant and of the person by whom the property is held, or in whose name it stands upon the records.

Sec. 1365 Compiled Laws repealed.

SEC. 19. Section 1365 is hereby repealed and the following enacted in lieu thereof: (1365.)

Section 140. The defendant may also, at any time, either before or after the release of the attached property, or before any attachment shall have been actually levied, upon reasonable notice to the plaintiff, apply to the court in which the action is brought, or to a judge thereof, for the discharge of the writ of attachment on the ground that the same was improperly issued.

Motion for discharge of attachment.

SEC. 20. Section 1368 is hereby amended by adding thereto the following: And whenever an order has been made discharging or releasing an attachment upon real property, a certified copy of such order may be filed in the office of the county recorder in which the notice of attachment has been filed, and be indexed in the same manner.

Order releasing property to be filed with County Recorder, etc.

SEC. 21. Section 1370 is hereby amended by adding thereto the following: Fourth—In an action by a mortgagee, or his assignee, for the foreclosure of his mortgage and sale of the mortgaged property, where it appears that the mortgaged property is in danger of being lost, removed or materially injured, or that the condition of the mortgage has not been performed, and that the property is probably insufficient to discharge the mortgage debt.

Appointment of receiver.

SEC. 22. Section 1375 is hereby amended by inserting after the word "made," and before the word "if," in line five thereof, the following words: "or affirmative relief sought by the cross complaint or answer of defendant."

Dismissal of action or nonsuit.

SEC. 23. Section 1400 is hereby amended by adding thereto the following: In an action for the recovery of money only, or specific real property, the jury, in their discretion, may render a general or special verdict. In all other cases the court may direct the jury to find a special verdict in writing upon all or any of the issues, and in all cases may instruct them, if they render a general verdict, to find upon particular questions of fact, to be stated in writing, and may direct a written finding thereon. The special verdict or finding must be filed with the clerk and entered upon the minutes. Where a special finding of facts is inconsistent with the general verdict, the former controls the latter, and the court must give judgment accordingly.

Verdict, kind of, etc.

Findings of
fact may be
waived, when.

SEC. 24. Section 1405 is hereby amended by adding thereto the following: Findings of fact may be waived by the several parties to an issue of fact: First—By failing to appear at the trial. Second—By consent in writing, filed with the clerk. Third—By oral consent in open court, entered in the minutes.

Papers to be
filed with
Judgment
Roll.

SEC. 25. Section 1428 is hereby amended by adding to subdivision first thereof, the following: And when service has been made by publication of the summons, the affidavit and the order upon which the publication was made, together with the affidavit of proof of such publication.

Execution
may issue,
when.

SEC. 26. Section 1434 is hereby amended by striking out the word "three," in line two thereof, and substituting therefor the word "five."

Power of
court to direct
sale of prop-
erty.

SEC. 27. Section 1471 is hereby repealed and the following is enacted in lieu thereof: (1471.) 246. There can be but one action for the recovery of any debt, or the enforcement of any right secured by mortgage upon real estate or personal property, which action must be in accordance with the provisions of this chapter. In such action the court may, by its judgment, direct a sale of the encumbered property, or so much thereof as may be necessary, and the application of the proceeds of the sale to the payment of the costs of the court and expenses of the sale, and the amount due to the plaintiff; and if it appear from the return of the officer making the sale that the proceeds are insufficient, and a balance still remained due, judgment can then be docketed for such balance against the defendant or defendants personally liable for the debt, and it becomes a lien on the real estate of such judgment debtor, as in other cases on which execution may be issued. No person holding a conveyance from or under the mortgagor of the property mortgaged, or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action, need be made a party to such action, and the judgment therein rendered, and the proceedings therein had, are as conclusive against the party holding such unrecorded conveyance or lien as if he had been made a party to the action.

SEC. 28. Section 1553 is hereby amended by inserting after the word "injunction," and before the word "and," in line three of subdivision third of said section, the following: "From an order dissolving or refusing to dissolve an attachment, from an order granting or refusing to grant a charge of the place of trial.

Appeals may be taken, when.

Sec. 1603 Com. Laws repealed.

SEC. 29. Section 1603 is hereby repealed.

SEC. 30. Section 1604 is hereby repealed and the following is enacted in lieu thereof: (1604.) Section 379. A husband cannot be examined as a witness for or against his wife, without her consent; nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage, but the exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

Sec. 1604 Com. Laws repealed.

Who shall not be witnesses.

SEC. 31. Section 1621 is hereby amended by striking out, in lines two and three thereof, the following: "For any other cause than a sentence of felony." And section 1623 is hereby amended by striking out, in lines two and three thereof, the following: "And for a cause other than a sentence for felony.

Sections 1621-23 Com. Laws amended.

Confinement in jail, etc.

SEC. 32. Section 1649 is hereby repealed and the following is hereby enacted in lieu thereof: (1649.) Section 424. Any court in which an action is pending, or a judge thereof, may, upon notice, order either party to give to the other, within a specified time, an inspection and copy, or permission to take a copy of entries of accounts in any book, or of any document or paper in his possession or under his control, containing evidence relating to the merits of the action, or the defense therein. If compliance with the order be refused, the court may exclude the entries of accounts of the book, or the document, or paper from being given in evidence, or if wanted as evidence by the party applying, may direct the jury to presume them to be such as he alleges them to be, and the court may also punish the party refusing for a contempt. This sec-

Court may order party to give copies, etc.

tion is not to be construed to prevent a party from compelling another to produce books, papers, or documents, when he is examined as a witness.

Judgment, execution, etc. SEC. 33. Section 1628 is hereby amended by striking out the word "one," in lines seven and ten of said section, and inserting in lieu thereof, in each place, the word "three." Said section is hereby further amended by adding thereto the following: Fifth—In an action which involves the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine.

Sec. 1709 Com. Laws repealed.

SEC. 34. Section 1709 is hereby repealed and the following is enacted in lieu thereof: (1709.) Section 484. The party in whose favor judgment is rendered and who claims his costs, must deliver to the clerk and serve upon the adverse party, within five days after the verdict or notice of the decision of the court or referee, or if the entry of the judgment on the verdict or decision be stayed, then before such entry is made a memorandum of the items of his costs and necessary disbursements in the action or proceeding, which memorandum must be verified by the oath of the party, or his attorney, or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct and that the disbursements have been necessarily incurred in the action or proceeding. A party dissatisfied with the costs claimed, may, within five days after notice of filing the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered, or by the judge thereof at chambers.

Memorandum of costs to be delivered to clerk, etc.

Approved March 9, 1882.

CHAPTER XLVI.

OF COMPILED LAWS AND LAWS OF 1878.

AN ACT amending Sections 509 to 512, and Section 519 of the
Compiled Laws of Utah; also Section 5 of Chapter
XXII, Laws of 1878.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*

That section 509 of the Compiled Laws of Utah is hereby amended by adding the following: "also that if the first estimate prove insufficient for the construction of the canal or ditch with its appurtenances, then additional taxes may be assessed in the same manner as hereinbefore provided until the said canal or ditch is completed."

Irrigating canals, laws relating to amended.

SEC. 2. Section 510 of said laws is hereby amended by adding the following: "and it shall be the duty of the county clerk to notify such officers forthwith of their election." Same.

SEC. 3. Section 511 of said laws is hereby amended by inserting the following at the commencement of said section; "Within twenty days after receiving such notice." Same.

SEC. 4. Section 512 of said laws is hereby amended by striking out the words "one year," in the third line of said section, and inserting the words "two years" in lieu thereof. Same.

SEC. 5. Section 5 of Chapter XXII, Laws of 1878, is hereby repealed and the following enacted in lieu thereof: "All subsequent elections for determining the rate of tax, shall be held annually on the first Monday in December, and for the election of company officers, biennially, on the same day, at such time and place within the district as shall be designated by the trustees, at which time the number of trustees may be changed by a two-thirds vote to not less than three

Elections to be held, when.

LAWS OF UTAH.

nor more than thirteen. Notice of said election shall be given and the election conducted and certificate thereof returned, as provided in section 4 of said Chapter XXII, and the officers elected shall give bonds as provided in section 511 of said Compiled Laws. The rate of tax determined at said election by a majority vote shall be a law in said irrigation district, and shall constitute a permanent lien on the interest of the taxpayer in said canal or ditch and his right to the use of the water therein flowing, from the day of assessment; *Provided*, that no tax created or payable by this act shall be or create a lien upon the land."

Rate of tax,
how deter-
mined.

Tax a lien,
when.

Proviso.

Same.

SEC. 6. Section 519 of said Compiled Laws is hereby amended by striking out the word "completion," in the first line of said section, and inserting the following: "construction or partial construction," in lieu thereof; also by striking out all after the word "district," in the thirteenth line, to and including the word "just," in the sixteenth line of said section, and inserting in lieu thereof the following "and for payment of the expense so increased;" also by inserting between the words "tax" and "upon," in the eighteenth line of said section, the words "for the necessary amount."

Approved March 9, 1882.

CHAPTER XLVII.

OF DISTRICT SCHOOLS.

AN ACT amending an Act for the Establishment and Support of District Schools, and for other purposes, approved February 20th, 1880.

SEC. 1.—*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That "An Act for the establishment and support of District Schools, and for other purposes," approved February 20th, 1880, is hereby amended as follows:

Section 1 of said act is hereby amended in line four, by inserting between the words "divided" and "number," the words "name and." Sec. 1 school act 1880 amended.

Section 3 of said act is hereby amended in line fourteen, by striking out the words "first" and "June," and inserting in lieu thereof, the words "second" and "July." Sec. 3. amended.

Section 5 of said act is hereby amended by adding to said section the following: "*Provided*, that whenever any meeting of a school district is called and a tax assessed for school purposes, it shall be the duty of the Trustees of such district to file with the County Superintendent of District Schools of the county in which the district is situated, and within ten days after such meeting, a copy of the notice calling such meeting and a copy of the minutes thereof, which shall be kept on file by such superintendent, subject to be inspected by any member or taxpayer of said district." Sec. 5 amended.

Section 6 of said act is hereby amended by inserting between the words "Auditor" and "each," the words "not of their own number." Sec. 6 amended.

Section 7 of said act is hereby amended in line four, by inserting between the words "trustees" and "the," the following: "The Assessor is" Sec. 7 amended.

Assessor may administer oaths, may require statement of property.

hereby empowered to administer oaths in the discharge of his official duty, and may require persons to give a statement of their taxable property under oath; the Assessor, when he deems it necessary, may leave with the person to be assessed or at his residence, or place of business, a blank form of the assessment list, and with corporations, firms or associations, suitable forms, requiring the taxpayer to fill out and return the same to the Assessor, within twenty days from date of service; and any person, corporation, firm or association, furnished with such blank forms, must comply with the requirements thereof, or be liable to a fine of not to exceed one hundred dollars for each neglect. If any person shall wilfully and knowingly make a false list to the Assessor, or make a false statement of his property or of property under his charge, he shall be deemed guilty of a misdemeanor, and on conviction thereof, may be fined in any sum not exceeding one hundred dollars, or imprisonment not exceeding one hundred days, or both."

Penalty.

Sec. 8 amended.

Section 8 of said act is hereby amended in line six by striking out the word "ninety," and inserting in lieu thereof the word "sixty."

.9 amended.

Section 9 of said act is hereby amended so as to read as follows: "Sec. 9. The school year shall begin on the first day of July, and end on the last day of June, and shall be divided into four terms of ten weeks each. The Trustees shall visit officially each school in their respective districts at least once during each term, and, on or before the second Monday in July in each year, take a census of the children between the ages of six and eighteen years residing in their districts; and on or before the tenth day of August next ending, shall make reports to the County Superintendent as hereinafter provided for, stating the condition of the school or schools under their supervision, and particularly the items contained in the following form, together with such other statistics or information as the Territorial Superintendent may require."

Trustees to visit school, and take census of children.

Must report to County Supt.

Form No. 2.	
SCHOOL TRUSTEES' ANNUAL FINANCIAL REPORT	
Of — District No. — County of — Utah Territory, for the	
School Year ending June 30th, 188 .	
RECEIPTS.	DISBURSEMENTS.
Balance on hand last Report, \$	For payment of Teachers, Male —, Female —,
From District Taxes, " Territorial School Apportionment,	" Buildings, Desks, Clocks, etc.,
" County School Fund, [Estrays, etc.,]	" Apparatus, Globes, Maps, Charts, etc.,
" Tuition Fees,	" Repairs,
" Donations,	" Improvements,
" Rents,	" Current Expenses of running Schools, exclusive of Teachers' salaries,
	" Compensation of Trustees,
	" Payment of Officers appointed by Trustees,
	" Printing, Advertising, etc.,
	" Discount and Loss,
	" Amount on hand,
Total,	Total,
Trustees. } ———	Auditor ———.

Section 12 of said act is hereby amended by striking out the form for school teachers' reports, at the end of said section, and substituting the following therefor:

Form No. 3.

SCHOOL TEACHER'S TERM REPORT

Of School No. — District No. — Co. of — U. T., for the ten weeks ending — 188—.

Teacher.

Kind of School.	Primary.	Boys. Girls.	No. of Pupils enrolled.	Boys. Girls.	No. new Pupils not enrolled 1st term.	Boys. Girls.	No. new Pupils not enrolled 1st and 2d terms.	Boys. Girls.	No. new Pupils not enrolled 1st, 2d and 3d terms.	Boys. Girls.	No. children in School between the ages of six and eighteen years.	Boys. Girls. Total.	Average Daily Attendance.	No. of days School has been in session.	Boys. Girls. Total.	No. attending under 6 years of age.	Boys. Girls. Total.	No. attending over 16 years of age.	Boys. Girls. Total.	Reading.	No. of Pupils in each.	Branches Taught.																																							
	Intermediate.		Grammar and Composition.										No. of Pupils in each.			Additional classes in Graded Schools.																																													
	Mixed.		Arithmetic.													Penmanship and Book-keeping.																																													
		Writing.										Orthography and Punctuation.										Political Science.																																							
		Spelling.										Elementary Drawing.										Music.										Drawing.										Elocution.																			
		Reading.										Geography and History.										Penmanship and Book-keeping.										Drawing.										Elocution.										Political Science.									

REMARKS.

Sec. 13 amend-
ed.

Section 13 of said act is hereby amended by adding thereto the following: "In case of failure to elect a trustee at the annual meeting for that purpose; or a trustee-elect failing to qualify within twenty days after being elected, the office shall be declared vacant, and may be filled as provided in this section."

Vacancy in
office of Trust-
tee.

Sec. 15 amend-
ed.

Section 15 of said act is hereby amended in line four, by striking out the words "form for trustees," and inserting in lieu thereof the words "form for superintendents;" by inserting in line six of said section, between the words "teachers" and "reports" the words "and trustees," and by adding to said section the following: "The Territorial Superintendent shall report to the Legislative Assembly biennially, within two weeks after the opening of each regular session thereof; said report shall contain a statement of the condition of the district schools in the Territory; a compilation of the reports received from each county superintendent; and such other statistical information as he may deem proper. It shall be the duty of the Territorial Superintendent to travel in the different counties of the Territory at least once a year, for the purpose of visiting district schools, of consulting with county superintendents, of lecturing before county institutes, and of addressing public assemblies on subjects pertaining to district schools. The said superintendent is hereby authorized to prepare an appendix of such forms as he may deem proper for the guidance of school officers, and said appendix shall be printed with the report of the superintendent and the amended school law."

Ter. Supt. to
make bienni-
al report.

Ter. Supt. to
visit schools
annually.

Supt. may
prepare
forms.

Sec. 17 amend-
ed.

Section 17 of said act is hereby amended in line thirteen, by striking out the word "August," and inserting in lieu thereof the word "October." Also by striking out the form at the end of said section and inserting in lieu thereof the following forms:

Form No 4.

COUNTY SUPERINTENDENT'S ANNUAL FINANCIAL REPORT

Of— County, Utah Territory, for the School Year ending June 30, 188

Districts.	Payment of Teachers.		Total.
	Male.	Female.	
Balance on hand last Report.			
District Taxes.			
Territorial School Tax.			
County School Fund, Sale of Extrays, etc.			
Tuition Fees.			
Donations.			
Rents.			
Total.			
Building.			
Furnishings, Desks, Seals, Clocks, etc.			
Apparatus, Globes, Maps, Charts, etc.			
Repairs.			
Improvements.			
Current Expenses of running Schools, exclusive of Teacher's salaries.			
Compensation to Trustees.			
Payment of Officers appointed by Trustees.			
Printing, Advertising, etc.			
Discount and Loss.			
Amount on Hand.			
Total.			

Grand Totals,

County Superintendent.

Form. No 6.
COUNTY SUPERINTENDENT'S ANNUAL STATISTICAL REPORT
For ——— *County, Utah Territory, for the year ending June 30, 188—.* ——— *County Supt.*

Names of Districts.		No. of Districts in County.		No. of Districts reported.		Primary.		Intermediate.		Mixed.		Total.	
Number of Schools.		Number of Teachers.		Number of Assistant Teachers.		Number of Children in County between the ages of six and eighteen years.		Total between 6 and 18 years.		No. of Boys enrolled.		No. of Girls enrolled.	
Total.		Males.		Females.		Boys.		Girls.		Total.		Total enrolled.	
Per cent of School Population enrolled.		Average daily attendance.		Per cent of School Population actually attending school.		Average No. of terms Schools have been taught.		Average No. of days Schools have been taught during the year.		Boys.		Girls.	
No. attending under six years of age.		Total.		Boys.		Girls.		Total.		No. attending over 16 years of age.		Total.	
Males.		Females.		Average monthly pay of Teachers.		Grounds.		Buildings.		Furniture.		Apparatus.	
Total.		Value of School Property.		Remarks.									

Approved March 9, 1882.

LAWS OF UTAH.

CHAPTER XLVIII.

OF CERTAIN CLAIMS.

AN ACT making Appropriations for the payment of certain claims, for services and losses, as herein specified.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That there are hereby appropriated, out of any money in the treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final discharge of the said several claims, namely:

1. To John W. Turner, for services and expenses incurred in the arrest, prosecution and conviction of Fred Welcome and Jack Emerson, - - - \$1000 00
2. To Ashton Nebeker, collector of Kane County, for losses on territorial taxes for the years 1878, 1879 and 1880, - - - 271 32
3. To W. D. Johnson, Jr., deputy collector of Kane County, for losses on territorial taxes for the year 1880, - - - 47 33
4. To J. W. Witt, collector of Wasatch County, for losses on territorial taxes for the year 1880, - - - 30 85
5. To L. Holbrook, ex-assistant collector of Millard County, for losses on territorial taxes for the years 1877, 1878, 1879 and 1880, - - - 60 25
6. To Gilbert Belknap, collector of Weber County, for losses on territorial taxes, for the years 1879 and 1880, - - - 77 50

7.	To N.W. Clayton, Auditor of Public Accounts, for printing amendments to laws of Utah,	\$ 65 50
8.	To pay deficiency for jurors' and witnesses' fees in criminal cases, for the years 1878-1879 and 1880-1881, as reported by the Auditor of Public Accounts, January 6, 1882,	20000 00
9.	To J. H. Henderson, services as sub-treasurer for Iron County for the years 1878 and 1879,	36 00
10.	To George Spilsbury, services as sub-treasurer of Kane County for the years 1878 and 1879,	40 00
11.	To the Omaha <i>Republican</i> , balance on claim for stationery furnished Third District Court,	26 95
12.	To Richard Fry, services as sub-treasurer of Morgan County for the years 1878 and 1879,	40 00
13.	To John E. Booth, services as special commissioner on court expenses for the First Judicial District	800 00
14.	To John T. Caine, services as special commissioner on court expenses for the Third Judicial District,	500 00
15.	To H. G. McMillan, for services rendered as special commissioner for Third Judicial District,	100 00
16.	To Jesse W. Fox, for rent of office for Territorial Surveyor-General,	400 00
17.	To James Jack, for United States Statutes-at-Large,	11 35
18.	To James Jack, for legal services of Zera Snow,	75 00
19.	To George M. Brown, for legal services rendered Territory,	150 00
20.	To John E. Booth, for legal services rendered Territory,	100 00
21.	To Auditor's and Treasurer's office, for stationery for the years 1880 and 1881, omitted in appropriations of 1880,	500 00
22.	To account of James Jack, Territorial Treasurer, for sundry items,	255 25

23.	To Joel Ricks, sub-treasurer Cache County for the years 1878 and 1879, - - - -	75 00
24.	To claims of <i>Deseret News</i> for printing blank forms and books for special commissioner and District Court, - - - -	59 00
25.	To claim of George M. Brown, col- lector of Utah County, for uncol- lected taxes, - - - -	133 32
26.	To M. H. Peck, for work on territo- rial scales and measures, - - - -	10 00
27.	To J. R. Wilkins, clerk Second Judicial District, for attendance at court during the years 1878, 1879, 1880 and 1881, and for blanks, books and furniture, and sundry other services during same period, as per bill rendered, - - - -	1020 51
28.	To Beaver County, part ex- penses of keeping and guarding Ben Tasker, - - - -	150 00
29.	To John R. Murdock, special com- missioner on court expenses of Second Judicial District, - - - -	200 00
30.	To Z. Snow, for legal advice to ter- ritorial and county officers for 1880 and 1881, - - - -	400 00
31.	To T. E. Taylor, Public Printer, balance due for printing Journals, 1880, omitted that year as per bill, approved by committee on print- ing, - - - -	91 95
32.	To Edwin Horsley, sub-treasurer Juab County, for receiving and disbursing territorial and school funds during 1878 and 1879, at 1 per cent., less 10 per cent. for col- lecting, - - - -	48 32
33.	To E. T. Clark, sub-treasurer Davis County for 1878 and 1879, - - - -	50 00
34.	To Henry Evans, sub-treasurer Summit County, for receiving and disbursing territorial and school funds for 1878 and 1879, - - - -	50 00
35.	To Wm. Z. Baker, sub-treasurer	

	Sevier County, for receiving and disbursing territorial and school funds 1878 and 1879, -	40 82
36.	To Wm. H. Clark, assessor and collector Sevier County, to reimburse him for taxes assessed on herds and paid in other counties, -	75 40
37.	To Frederick Kingston, ex-assessor and collector of Morgan County, to reimburse him for taxes assessed on herds and paid in other counties, -	46 61
38.	To Richard Bentley, sub-treasurer of Washington County, for receiving and disbursing territorial and school taxes 1878 and 1879, -	50 00
		<hr/> \$27089 13

Approved March 9, 1882.

CHAPTER XLIX.

OF JURORS.

AN ACT providing for the Payment of Jurors.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That hereafter and until the first day of January, A. D. 1884, jurors summoned to attend the District Courts of this Territory shall be paid the sum of two dollars per day for each day's attendance upon said courts, and six cents per mile in traveling to and from said courts.

SEC. 2. The compensation and mileage provided in the preceding section, shall be paid out of the territorial treasury, upon certificates signed by the clerk and certified to by the Auditor of Public Accounts.

SEC. 3. In each civil case where a jury trial is demanded, the party making the demand shall, before the jury is empaneled, deposit with the clerk the receipt of the sub-treasurer of the county in which the court is held, for the sum of ten dollars, and a like receipt for the sum of ten dollars shall be so deposited for every day occupied in said trial.

Jury tax to be paid, when.

SEC. 4. Within ten days from the expiration of the term of any District Court in this Territory, the clerk of the court shall prepare a statement of all receipts deposited with him under the provisions of this act, and forward the same to the Auditor of Public Accounts, and the sub-treasurer of the county wherein the court is held shall, annually, at the time of making his annual report, transmit all sums received by him under the provisions of this act to the Territorial Treasury.

Clerk of District Court to prepare statements, etc.

SEC. 5. If judgment in any civil case shall be rendered in favor of the party demanding the jury, the amount deposited by him under the provisions of this act may be included in his bill of costs, and be collected at the same time and in the same manner as other costs are collected.

Amount deposited for jury to be collected, how.

SEC. 6. The clerks of the District Courts and the sub-treasurers herein mentioned, shall each receive for his services under this act, such compensation as may be provided by the next session of the Legislative Assembly.

Compensation to Clerks.

Approved March 9, 1882.

CHAPTER L.

OF COMPILED LAWS.

AN ACT amending Section 534 of the Compiled Laws of Utah.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 534 of the Compiled Laws of Utah is hereby amended by adding thereto the following: The corporate powers of the corporation shall be exercised by the board of directors or trustees, who shall be stockholders in the company, and one-third of them residents of the Territory. A majority of the whole number of directors or trustees shall form a board for the transaction of business, and every decision of a majority of said board shall be valid as a corporate acts, and all corporate acts heretofore exercised by the board of directors or trustees of any corporations organized under and by virtue of the laws of Utah Territory, are hereby validated and confirmed.

Directors to
exercise cor-
porate pow-
ers, etc.

Prior
Corporate acts
validated.

Approved March 9, 1882.

CHAPTER LI.

OF CORPORATIONS.

AN ACT amendatory of an act entitled "An Act amendatory of, and supplemental to Chapter IV, Title XI, Compiled Laws of Utah."

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That section 11 of an act entitled "An Act amendatory of and supplemental to Chapter IV, Title XI, Compiled Laws of Utah," approved February 19, 1880, is hereby amended by adding thereto: "And in case any foreign corporation, doing business in this Territory, shall fail to comply with the provisions of the section of which this is amendatory, within ninety days after the passage of this act, said corporation shall forfeit all right to make or enforce contracts within this Territory, or to bring suits for any purpose in any courts in this Territory; *Provided*, That within ten days after the passage of this act, the Secretary of the Territory shall give notice to the agent of any said foreign corporation of the enactment of this provision by the Legislature."

Foreign corporations must file articles, etc.

Proviso.

SEC. 2. Section 15 of said act is hereby amended by striking out the word "sixteen" in line eight, and inserting the word "sixty" in line thereof.

Publication of delinquent stocks.

SEC. 3. Section 30 of said act is hereby amended by inserting after word "shall," in line two, the word "not."

Personal property not liable, etc.

Approved March 9, 1882.

CHAPTER LII.

CREATING GARFIELD COUNTY.

AN ACT changing the boundaries of Kane, Iron and Washington Counties, and creating Garfield County.

Sec. 143, 144
and 145 Com.
Laws repealed.

Boundaries of
Kane County.

County seat.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:*

That sections one hundred and forty-three (143) and one hundred and forty-four (144) and one hundred and forty-five (145) of the Compiled Laws of Utah, are hereby repealed, and the following enacted in lieu thereof: All that portion of the Territory of Utah, embraced within the following boundaries, to wit: Commencing at the southeast corner of section twenty-five (25), Township thirty-seven (37) south, Range ten (10) west, United States survey, Salt Lake meridian; thence running east to the main channel of the Colorado River; thence southwesterly down the channel of said river to the northern boundary line of Arizona; thence west along said boundary line to the township line, between Townships nine (9) and ten (10) west; thence north along said township line to the place of beginning, is hereby made and named Kane County, with county seat at Kanab.

Boundaries of
Washington
County.

SEC. 2. All that portion of the Territory embraced within the following boundaries, to wit: Commencing at the southeast corner of Township thirty-seven (37) south, Range ten (10) west, United States survey, Salt Lake meridian; thence running west to the southeast corner of Township thirty-seven (37) south, Range fifteen (15) west; thence north to the northeast corner of said township; thence west along the township line to the eastern boundary line of Nevada; thence south along said boundary line to the northern boundary line of Arizona; thence east along said

boundary line to the township line, between Townships nine (9) and (10) west; thence north along said township line to the place of beginning, is hereby made and named Washington County seat. County, with county seat at St. George.

SEC. 3. All that portion of the Territory embraced within the following boundaries, to-wit: Commencing at the northwest corner of Township thirty-one (31) south, Range five (5) west, United States survey, Salt Lake meridian, thence running south on the township line, between Ranges five (5) and six (6) west, to the northeast corner of Township thirty-four (34) south, Range six (6) west; thence west on said line to the northwest corner of Township thirty-four (34), Range six (6) west; thence south on the township line, between Ranges six (6) and seven (7) west, to the north boundary line of Kane County; thence west along said line to the southeast corner of section twenty-five (25), Township thirty-seven (37) south, Range ten (10) west, to the southeast corner of said township; thence west along the township line, between Township thirty-seven (37) and thirty-eight (38) south, to the southeast corner of Township thirty-seven (37) south, Range fifteen (15) west; thence north to the northeast corner of said township; thence west on the township line, between Township thirty-six (36) and thirty-seven (37), to the east boundary line of the State of Nevada; thence north along said line to the township line, between Townships thirty (30) and thirty-one (31) south; thence east along said line to the place of beginning, is hereby made and named Iron County, with county seat at Parowan. Boundaries of Iron County.

SEC. 4. All that portion of the Territory embraced when the following boundaries, to-wit: Commencing at the northwest corner of Township thirty-one (31) south, Range five (5) west, United States survey, Salt Lake meridian; thence running east along the township line, between Townships thirty (30) and thirty-one (31) south, to the main channel of the Colorado River; thence southwesterly down the channel of said river to the northern boundary line of Kane County; thence west along said Boundaries of Garfield County.

boundary line to the township line between Townships six (6) and seven (7) west; thence north along said line to the northwest corner of Township thirty-four (34) south, Range six (6) west; thence east to northeast corner of said Township; thence north along the township line between Township five (5) and six (6) west, to the place of beginning, is hereby made and named Garfield County, with county seat at Panguitch, and is hereby attached to and made part of the Second Judicial District of this Territory, and remains connected with Iron County for legislative representation. For the purpose of organizing Garfield County the following officers are hereby appointed; James Henrie, probate judge; Andrew P. Schow, Ira Elmer and Jesse W. Crosby, selectmen; who shall qualify by taking an oath of office to faithfully perform the duties thereof. They shall hold said office until the first annual election, and until their successors shall be elected and qualified. They shall commence the duties of their offices by proceeding, on or before the first Monday in May, 1882, to organize and to appoint a clerk and an assessor and collector, and such other officers as may be necessary to serve until the regular election. They shall establish the boundaries of precincts and designate voting places, and appoint judges of election, and give notice of the regular annual election to be held and conducted according to the laws of the Territory; *Provided*, That at said first election the voters need not be registered as required by law. At said first election candidates for all territorial, county and precinct officers, made elective by law, shall be placed in nomination, and those receiving the highest number of votes shall be entitled to serve the term prescribed by law.

County seat.
Part of 2d Judicial District.
Offices, etc.
Duties, etc.
Voters need not be registered, when.
Act takes effect, when.

SEC. 5. This act shall take effect for Kane, Iron, and Washington Counties, for election purposes, on and after the first day of July, 1882, and for all other purposes from and after the first day of January, 1883, and for Garfield County as provided in section four (4) of this act.

Sec. 147 Com. Laws amended.
 SEC. 6. Section one hundred and forty-seven (147) of the Compiled Laws of Utah, is hereby

amended by striking out, in the second line, the word "Iron," and inserting in lieu thereof the word "Garfield."

SEC. 7. All acts and part of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1882.

CHAPTER LIII.

OF GENERAL APPROPRIATIONS.

AN ACT making Appropriations for General Purposes.

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the following sums of money are hereby appropriated out of any money in the territorial treasury, not otherwise appropriated, for the objects hereinafter expressed:

1. For the salary of Territorial Superintendent of District Schools for 1882 and 1883, one-half to be drawn each year, - - \$3000 00
2. For salary of Auditor of Public Accounts for 1882 and 1883, one-half to be drawn each year, - 3000 00
3. For salary of Territorial Treasurer for 1882 and 1883, one half to be drawn each year, - - 1200 00
4. For salary of Territorial Librarian for 1882 and 1883, one half to be drawn each year, - - 500 00
5. For expenses of printing and contingent expenses of School Superintendent's office for 1882 and 1883, one half to be drawn each year, 500 00
6. For incidental expenses of Audi-

- tor's, Treasurer's, Librarian's, Sealer of Weights and Measures', Recorder of Marks and Brands', and Surveyor-General's offices, for 1882 and 1883, one half to be drawn each year, or so much thereof as may be necessary, - - 1000 00
7. For rent of rooms for the last-named officers for 1882 and 1883, one half to be drawn each year, - - 1440 00
8. For the erection of the Territorial Insane Asylum, to be drawn and expended under the direction of the Board of Directors, - 20000 00
9. For the payment of jurors and witnesses in criminal cases for the years 1882 and 1883, one half to be drawn each year, in equitable proportion to each district, to be determined by the Auditor of Public Accounts, - - 35000 00
- Provided*, That the above amount shall be drawn upon vouchers duly authenticated for services as jurors and for witnesses in cases in which the Territory is liable therefor.
10. For the construction of a wagon road from Fremont Valley, Piute County, toward the Colorado River, to be drawn and expended by the selectmen of Piute County, - 1000 00
11. For the construction of a wagon road from Park City to the settlements in Uintah County, by the way of Kamas, to be drawn on the order of the county court of Summit County, - - 1000 00
12. For the construction of a wagon road through the eastern part of Iron County, and into San Juan County, to be drawn and expended equally by A. P. Schow, of Escalante, and Jens Neilson, of San Juan County, - - 2000 00
13. For the construction of a wagon

road in Shonesburg Cañon, Kane County, to be drawn on the order of the probate judge of said county, - - - - - \$1000 00

Provided, That Kane County complete said road without further expense to the Territory.

14. To assist Weber County in the construction of a bridge over the Weber River at Riverdale, Weber County, to be drawn and expended by the selectmen of said county, - - - - - 5000 00
15. For the purchase of a safe for the Auditor of Public Accounts, or so much thereof as may be necessary, - - - - - 600 00
Provided, That the large safe, now in the possession of the Auditor, be delivered to the clerk of the First District Court at Ogden.
16. For the construction of a road from Heber City to Ashley Fork, to be drawn and expended by the county court of Wasatch County, - - - - - 750 00
17. To be drawn and expended on said road by the county court of Uintah County, - - - - - 750 00
18. To Kane County court, to be laid out on the road through Kanab Cañon, - - - - - 500 00
19. For building a bridge across the Provo River at Provo City, to be drawn and expended under the direction of the county court of Utah County, - - - - - 1000 00
20. For moving into and fitting up new offices of Auditor, Treasurer, etc., and delivering large safe to the clerk of the District Court at Ogden, for the use of the District Court, or so much thereof as may be necessary, - - - - - 500 00
21. For expenses incidental to the distribution, within this Territory, of fish eggs and small fry, to be drawn

- and expended, one half each year
by Professor Joseph L. Barfoot, 600 00
22. For the construction of a wagon
road between Cache and Rich
Counties, to be drawn and ex-
pended under the direction of the
probate judge of Rich, and C. O.
Card of Cache County, - - 1000 00
23. To make a road through Long Val-
ley, and to be expended under the
directions of the county court of
Kane County, - - - 500 00
24. To improve the Peterson and Mor-
gan City bridges, and to improve
the Weber Cañon road, between
Morgan City and Lost Creek, to be
drawn on the order of Morgan
county court, - - - 1000 00
25. For the Library, to be expended by
the librarian, for modern standard
publications, - - - 1000 00
26. To assist Washington County to wid-
en and improve the territorial road
between Kannarra and St. George,
and to change the road from Sandy
to Harrisburg through Silver Reef,
to be drawn and expended under
the direction of the county court
of Washington County, - 5000 00
27. To assist Sevier and Piute Counties
to open and work a road along the
Sevier River between the mouth of
Clear Creek and Maryvale, to be
drawn and expended by the county
courts of said counties; *Provided*,
That they appropriate sufficient
means to complete said road, 1000 00
28. For contingent expenses of the Coun-
cil, to be drawn on the order of
John Van Cott, Sergeant-at-arms
of the Council, and to be disbursed
by him on bills certified to by the
President of the Council, - 1034 34
29. For contingent expenses of the
House, to be drawn upon the order
of John Smith, Sergeant at-arms

	of the House, for accounts certified to by the Speaker,	-	-	2798	91
30.	To the estate of C. W. Emerson, for the services of C. W. Emerson, deceased, clerk of the First Judicial District Court,	-	-	80	15
31.	For Benjamin Bachman, deputy clerk of First Judicial District,	-	-	217	80
32.	For A. C. Emerson, clerk of First Judicial District Court,	-	-	230	50
33.	For claim of O. J. Averill, clerk of Third Judicial District Court,	-	-	1109	30
34.	To Joseph L. Barfoot, for services as Fish Commissioner for Utah Territory,	-	-	200	00

JOINT RESOLUTION

Authorizing the Auditor of Public Accounts to lease rooms
for Offices.

Resolved, by the Governor and Legislative Assembly of the Territory of Utah: That the Auditor of Public Accounts is hereby authorized to rent a suite of four rooms on the second floor of the Hooper and Eldredge block, Salt Lake City, for offices for the Auditor of Public Accounts, the Territorial Treasurer, the Territorial Surveyor-General, the Records of Marks and Brands, the Sealer of Weights and Measures, and the Territorial Library, at an annual rent of seven hundred and twenty dollars. *Provided*, That the said rooms can be secured for a period of four years.

Authorizing
Auditor to
lease rooms.

Approved Feb. 28, 1882.

MEMORIAL TO CONGRESS.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

For appropriation to compile and revise laws.

We, your petitioners, the Governor and Legislative Assembly of the Territory of Utah, respectfully represent that, at the present session of the Legislature, provision was made for the compilation and revision of the laws of this Territory, by the appointment of four persons to prepare such compilation and revision, and to report the same to the Legislature at its next session; That such compilation and revision has become absolutely necessary in order to preserve the laws in a convenient form, and to make them useful to the people of the Territory;

Therefore, be it resolved, by the Governor and Legislative Assembly of the Territory of Utah, that Congress is hereby requested to appropriate the sum of five thousand dollars to assist in the payment of the expense of the publication of such compilation and revision. Said appropriation to be available during the fiscal year ending June 30, 1884.

FRANCIS M. LYMAN,

Speaker of the House.

JOSEPH F. SMITH,

President of the Council.

ELI H. MURRAY,

Governor.

MEMORIAL TO CONGRESS.

*To the Senate and House of Representatives of
the United States in Congress assembled:*

Whereas, There are no public buildings in the Territory of Utah, erected by government, in which sessions of the Legislature, or of the several District Courts can be had; nor buildings suitable for post office, land office, and other government offices, and

To erect public buildings.

Whereas, The growing prosperity of this Territory, its increasing population, and its many and varied industries entitle it to a consideration at the hands of government, and

Whereas, Such buildings, if erected, would be a decided saving to government and would add greatly to the efficiency of the government service;

Therefore, we, your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully ask your honorable bodies to appropriate the sum of one hundred thousand dollars for the purpose of erecting public buildings in the Territory of Utah.

FRANCIS M. LYMAN,

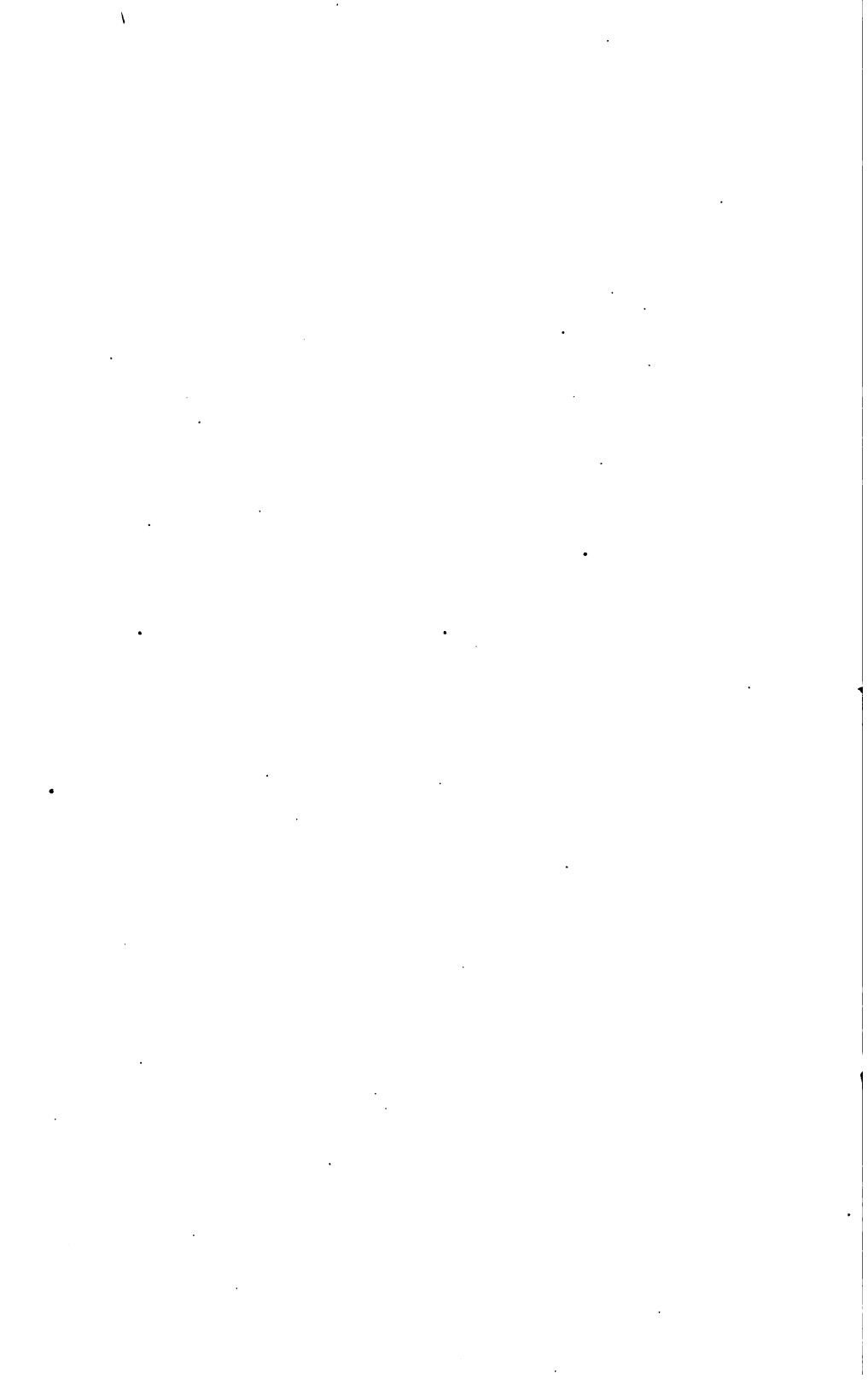
Speaker of the House.

JOSEPH F. SMITH,

President of the Council.

ELI H. MURRAY,

Governor of the Territory of Utah.



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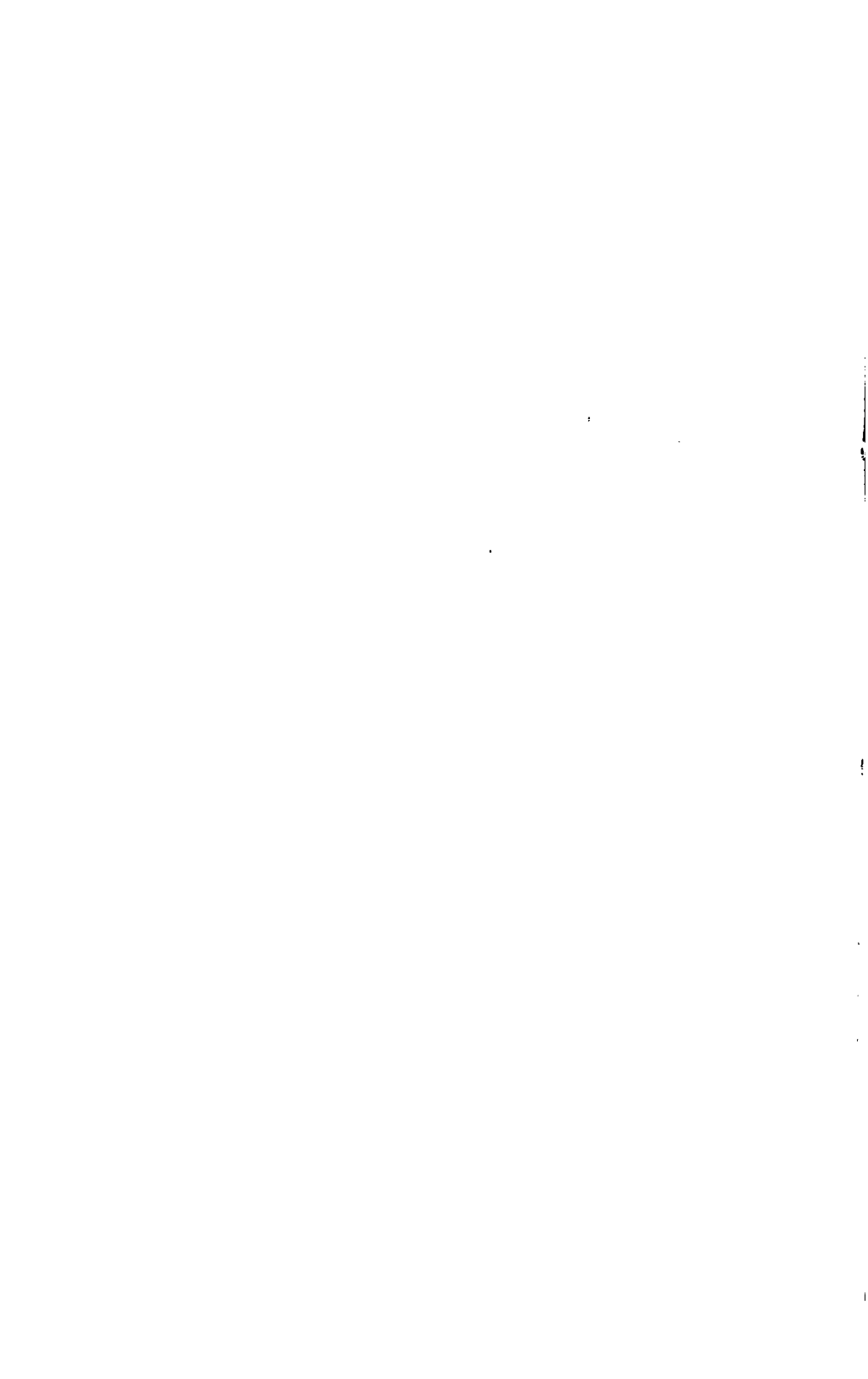
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